

Use of One Federal Post Card Application (FPCA) for All Elections in a Calendar Year

The Alabama requirement for a separate FPCA for each election more than 30 days apart places a considerable burden on uniformed and overseas voters. Many voters think that if they request a ballot for the primary election they will automatically receive a ballot for the general election and any other elections held during the calendar year. Forty-eight states now **accept one absentee ballot request for both primary and general elections or for all elections during a calendar year**. We recommend that Alabama accept one absentee ballot request for all elections during a calendar year.

Sample Language

An application for an absentee ballot by mail must be received by the Board of Registrars in the applicant's county of voting residence within the timeframe specified by law. The single absentee ballot application serves both to register the citizen and to request absentee ballots for all elections for which the voter is eligible that are held within that calendar year.

Late Registration Procedure

We recommend that Alabama **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration**. Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal voter registration deadline. A special late registration procedure for these circumstances would solve this problem. Twenty-four states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We**

recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Alabama's use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend Alabama provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance when they know in advance that they will not be able to receive, vote, and return the regular state ballot in time to be counted. Twenty-seven states now provide state write-in absentee ballots to fill this need.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular state ballot. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. The FWAB generally allows voting for Federal offices only. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the

ballot to be received, voted and returned to be counted. Six states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alabama's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Alaska **allow persons recently separated from the Uniformed Services, the merchant marine, or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. A special late registration procedure for these circumstances would solve this problem. Twenty-four states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. 33 states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership.

By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Six states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alaska's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that the District of Columbia **allow persons recently separated from the Uniformed Services or overseas employment and their family members to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in the District of Columbia just prior to an election. This time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and registration requirements combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend that the District of Columbia provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal timeframe.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize the District of Columbia allows electronic transmission of the FPCA for registration and absentee ballot request and permits faxing of the absentee ballot when military service prevents the voter from receiving and returning the voted ballot. However, we encourage you to expand the use of this alternative to include electronic transmission of the blank and voted ballots for all military and overseas citizens, electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate these alternatives.

Sample Language

An elections official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be

counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general elections and Federal offices if:

- (1) the information submitted complies with the District's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election.

The adoption of this initiative would save money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter resides outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the jurisdiction;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in the U.S., they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that **the District of Columbia's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

State Write-In Absentee Ballot

We recommend that Florida provide a state write-in absentee ballot for **all elections**. We commend you for passing legislation this year that allowed for a state write-in ballot for general elections. However, we request that you expand this to all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame for all elections**. Thus, a voter would know that they could exercise their right to vote for all Florida elections, not just one. We encourage you to include this as a revision in your bill which addresses parts overlooked in the election reform law passed earlier this year.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Eight** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Hawaii military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Use of One Federal Post Card Application (FPCA) for All Elections in a Calendar Year

Although Hawaii allows the use of a single FPCA to request ballots for primary and general elections in a calendar year, the state requires that voters submit a separate FPCA for special elections not held in conjunction with these regularly scheduled elections. Many voters think that if they request a ballot for the primary and general elections they will automatically receive a ballot for any other elections held during the calendar year. Forty-eight states now **accept one absentee ballot request for all elections during a calendar year**. We recommend that Hawaii accept one absentee ballot request for all elections during a calendar year.

Sample Language

An application for an absentee ballot by mail must be received by the county clerk in the applicant's county of voting residence within the time frame specified by law. The single absentee ballot application serves both to register the citizen and to request absentee ballots for all elections held within that calendar year for which the voter is eligible to vote, including special elections not held in conjunction with regularly scheduled elections.

"Not Earlier Than" Restrictions

We also note Hawaii has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, for example, not earlier than 60 days before the election for registered citizens. The "not earlier than" limitation causes a problem for military personnel or other citizens overseas. Although Hawaii counties may be holding "absentee ballot requests received within a reasonable time before the election", UOCAVA citizens are barred from registering at certain moments they have set aside from their busy schedule to fulfill their voting requirements. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early by local election officials. This can be very frustrating, particularly to first time voters. We urge that the **"not earlier than" dates for ballot requests be eliminated**. Forty-nine states have already removed such requirements.

Late Registration Procedures

We recommend that Hawaii **allow persons recently separated from the Uniformed Services, the merchant marine, or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration**. Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. A special late registration procedure for these circumstances would solve this problem. Twenty-four states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,**

citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Six states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Notary Requirement

Current Illinois election law requires that in order to vote a full ballot, the state affidavit of registration from unregistered Illinois residents temporarily outside the U.S. must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Armed Forces or a family member of a member of the Armed Forces, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she must subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

Illinois currently allows members of the Armed Forces or merchant marine, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Illinois expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election**. Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home after employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

An individual or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Application for Ballot by Proxy to Overseas Citizens

Currently, Illinois allows spouses, and other family members, to use a special application provided by the local election official to request that an absentee ballot be mailed to members of the Uniformed Services. We recommend this option be expanded to allow spouses and other family members of overseas civilian citizens to request an absentee ballot be mailed to them.

Sample Language

If a spouse, dependent, mother, father, sister or brother of a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is registered to vote in the same county as that citizen, he or she may request that an absentee ballot be mailed to that voter by completing a special application provided by the local election official.

State Write-In Absentee Ballot

We also recommend Illinois provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame.** A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Armed Forces or family member of a member of the Armed Forces and a qualified elector, he or she may request, not earlier than 90 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Illinois enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for ballot requests by members of the Armed Forces. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 10 of the Illinois Election Laws makes no reference to Federal law. In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which the Federal Voting Assistance Program administers. **Reference to the UOCAVA in the state election code** would help election officials and interested citizens find guidance to applicable federal law and increase their familiarity with the statute and its application. 33 states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections, except in five states that have expanded its use beyond the Federal law. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the Federal Write-In Absentee Ballot in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Six states have legislatively expanded use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted as a registration form and ballot by the state for general election and federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the State money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for federal office. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency, it is recommended that Illinois' **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and this office could mutually establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission or fax. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, or if an election contest court finds that there were errors in the conduct of an election making it impossible to determine the result.

The chief election official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Iowa enacted legislation to provide for electronic transmission of the Federal Post Card Application request for registration and an absentee ballot. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. The following sample language would allow for these procedures.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We understand Iowa currently allows discharged military personnel to register late. **We encourage expanding this option to their family members and overseas citizens who may go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election.** Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home after active duty or employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-three states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kansas' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Use of One Federal Post Card Application (FPCA) for All Elections in a Calendar Year

We realize that Kansas allows the use of one FPCA to request ballots for both the primary and general elections in a calendar year. However, this is confusing for citizens desiring to vote in other elections, such as special elections. These citizens think that since they requested and received a ballot for the primary and general elections, they would automatically receive a ballot for other elections. Forty-eight states now **accept one absentee ballot request for all elections in a calendar year**. We recommend that this procedure be adopted.

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Kansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states

that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Louisiana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots **for non-Presidential elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states currently have a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Louisiana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Eleven states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Uniformed Services, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Louisiana allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Louisiana provide a state write-in absentee ballot for all elections, *not only the Presidential election.* The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Late Registration Procedures

Although we understand that the Maryland General Assembly deleted the late registration provision from the law, we never-the-less encourage you to recommend that Maryland reinstate procedures **to allow persons recently separated from the Uniformed Services and their family members to be able to register late (or be exempt from registration)**. Previously, honorably discharged military personnel and their spouses and dependents could still vote absentee if a Federal Post Card Application arrived not later than 8 p.m. on election day. Additionally, we recommend that Maryland expand this procedure **to allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**.

Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Uniform Timetable for Receipt of Voted Ballots

In Maryland, ballots for non-presidential primary elections and special primary elections are due not later than 4 p.m. on the Wednesday following election day; voted ballots for the general or special election, mailed from *within* the United States, are due not later than 4 p.m. on the Wednesday following election day; and ballots for the general election, Presidential primary election or special election, mailed from *outside* the United States, are due not later than 4 p.m. on the second Friday following election day.

Citizens voting under the UOCAVA are often confused by this variety in election procedures and the deadlines to which they must adhere. Consequently, we recommend that for all elections, the deadline for all voted ballots from UOCAVA citizens be not later than 4 p.m. on the second Friday following election day. This is 10 days following the election. This should not interfere with your gubernatorial primary certification process. This would avoid confusion about different deadlines for receipt of voted

ballots. In addition, it would provide sufficient mail transit time to meet the state deadline for counting of ballots.

Sample Language

All citizens voting under the UOCAVA must postmark their ballot by the day of the election and return it so it is received by the local board of elections by 4 p.m. on the second Friday following election day.

State Write-In Absentee Ballot

Although we agree that Maryland provides ample time for transit of ballots under normal circumstances, especially with late counting, we want to continue to recommend that Maryland provide a state write-in absentee ballot for all elections as a means to vote in case there are delays in mailing and returning absentee ballots. Again, the main purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that

provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request your consideration again to expand the use of modern technology in the absentee voting process. We realize that Maryland allows faxing of the FPCA for an absentee ballot request; however, we encourage expansion of this alternative to include electronic transmission of the FPCA for registration (since we instruct voters to submit the original, signed FPCA after faxing and the FPCA form is a simultaneous request for registration and request for absentee ballot), electronically sending the ballot to the voter, and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. The sample language below accommodates these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local board of elections may receive FPCAs for registration, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include other elections, e.g., primary,**

for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Allowing use of the FWAB in other elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Also, during the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA. To address your concerns about lack of control over the process, the citizen must provide a valid Maryland residence address and sign the FPCA attesting that he/she is a U.S. citizen and is not voting in any other jurisdiction.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Massachusetts military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

State Write-In Absentee Ballot

We also recommend Massachusetts provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance when they know that they will not be able to receive, vote, and return the regular state ballot in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular state ballot. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. The FWAB generally allows voting for Federal offices only. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Massachusetts' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. 33 states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Massachusetts's use of modern technology in the absentee voting process. We realize Massachusetts has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA). We encourage expanded use of this alternative to include electronically sending the ballot to these voters, and accepting the voted ballot via electronic transmission from these voters where circumstances would otherwise disenfranchise them. Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Six states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Use of One Federal Post Card Application (FPCA) for ALL Elections in a Calendar Year

Michigan election law provides that an application for an absentee ballot received before a primary or special election may be for either that primary only or for that primary and the election which follows. To submit an FPCA before a primary election and request an absentee ballot for both the primary and the general election, the voter must specifically request on the FPCA, “primary and general elections” or “all elections if permitted by state law.” Many voters are confused concerning the requirement to submit a separate request for a ballot for each election and, in 1998, many were disenfranchised for this reason alone. They thought that since they requested and received a ballot for the primary election, they would automatically receive a ballot for the general election. We again recommend this year that Michigan accept one absentee ballot request for all elections during a calendar year. Note that **forty-eight** states now **accept one absentee ballot request for both the primary and general elections or for ALL elections during a calendar year.**

Sample Language

An application for an absentee ballot by mail must be received by the city or township clerk in the applicant's city or township of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Notary Requirement

Current Michigan election law requires that the FPCA used to register and request absentee ballots or to request absentee ballots only, must be sworn to before an official authorized to administer oaths if the requesters are Michigan residents temporarily residing outside the U.S. and unaffiliated with the U.S. Federal Government, or overseas citizens. This notary requirement has created continuing problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We strongly recommend action this legislative year to **remove the notary requirement for all absentee balloting materials or not require notarization after initial registration notary is provided.** Please contact us to provide testimony for, or to write letters in support of, such legislation. **Forty-nine** states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

"Not Earlier Than" Restrictions

We also note that Michigan has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, i.e., not earlier than 75 days before the election and not later than the Saturday before the election. The “not earlier than” limitation has also caused a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter

registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters. We appreciate the fact that you have provided an administrative instruction to hold applications that arrive earlier than 75 days before the election. However, we urge that the **“not earlier than” dates for ballot requests be eliminated** by legislation. Further, we recommend a part in the statutes be established for Federal absentee voters separate from regular absentee voters. Your laws now address each class of voter the same way even though there are quite different circumstances between a regular absentee voter who will not be present at the polls on election day due to vacation, hospitalization, etc. and a Federal absentee voter who requires more time to request an absentee ballot. **Forty-nine** states have already removed such requirements.

Late Registration Procedures

We recommend that Michigan **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state’s normal residency requirements. Often, the date of discharge or termination of overseas employment and a state’s registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-four** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for **all elections.** The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently **six** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Michigan Election Law refers to the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not

disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An elections official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Six** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Eight** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Special Write-in Absentee Ballot

We also recommend that Montana provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from their voting jurisdiction. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows voting for Federal offices only. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Use of One Federal Post Card Application (FPCA) for All Elections in a Calendar Year

In our view the Montana requirement for a separate FPCA for special elections places an unnecessary burden on uniformed and overseas voters. Many voters think that if they submit an FPCA absentee ballot request that they will automatically receive a ballot for every election in which they are qualified to vote. Forty-eight states now **accept one absentee ballot request for all elections during a calendar year.** We recommend that Montana adopt this procedure for UOCAVA voters.

Sample Language

An application for an absentee ballot by mail must be received by the County Election Administrator in the applicant's county of voting residence within the timeframe specified by law. The single absentee ballot application serves both to register the citizen and to request absentee ballots for all elections held within that calendar year for which the voter is eligible.

Bring Montana Election Code into Conformance with the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In our recent update to the Voting Assistance Guide it came to our attention that there is a discrepancy in the definition of eligible citizens between the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* and the Montana Election Code. Section 13-2-211 of the Montana code defines an “elector in the United States service” as members of the armed forces, merchant marine, religious groups or welfare agencies attached to the armed forces, or citizens temporarily residing outside the U.S. territorial limits, and their spouses and dependents. UOCAVA does not cover members of religious groups or welfare agencies attached to the armed forces unless they are serving overseas. In addition to the other categories of citizens listed in the Montana code, UOCAVA also includes “uniformed services” – the Coast Guard and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration. (See 42 U.S.C. 1973ff-1 and ff-6.)

We recommend that Montana review the language in the *Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA, 42 U.S.C. 1973ff et seq.)* and make appropriate amendments to the state election law provisions to include the Uniformed Services groups referenced above.

"Not Earlier Than" Restrictions

We also note that Montana has a specified time during which requests for registration and/or absentee ballots may be received by local election officials - for example, during the period beginning 75 days before the election. The “75 days before” limitation causes a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early by local election officials. This can be very frustrating, particularly to first time voters. We urge that the period “**beginning 75 days**

before the election” for ballot requests be eliminated. Forty-nine states have already removed such requirements.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Montana’s Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Eleven states now have given the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Nebraska enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests. We recommend expanded use of this alternative to include electronic transmission of the unvoted ballot to the voters covered by UOCAVA, and accepting the voted ballot from these voters via electronic transmission. Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when

insufficient time exists for the ballot to be received, voted and returned to be counted. Six states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Nebraska's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New York military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. This is why it is necessary to allow a minimum of 45 days transit time for absentee ballots.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **New York allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that New York provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the New York election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the New York Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints. Currently, forty-eight states allow electronic transmission of election materials.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We enlist your support once again this year in developing the **acceptance of electronic transmission for all parts of the process**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider using modern technology in the absentee voting process. We encourage the use of this alternative to include the **electronic transmission of the FPCA for registration and ballot request, the blank ballot to the voter, and the voted ballot from the voter** where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A county board of elections official may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,**

citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that New York's **Chief Election Official (CEO) have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The CEO and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Return of Voted Ballot by Close of Polls on Election Day

We are aware that North Carolina continues to require UOCAVA voters to return their voted ballot by 5:00 p.m. on the day before the election. This deadline, of course, is a day earlier than the deadline for voting if these citizens were voting in person. This could also present a problem for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend that North Carolina **accept voted ballots from all UOCAVA citizens until the close of polls on election day**. Only five states require the return of the voted ballot before election day.

Sample Language

Citizens covered by UOCAVA must return their voted ballot so it is received by the local board of elections by the close of polls on election day.

State Write-In Absentee Ballot

We also recommend that North Carolina provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

“Not Earlier Than” Restrictions

We note that North Carolina continues to have a specified time during which requests for registration by overseas citizens and North Carolina residents temporarily outside the U.S. may be received by local election officials, i.e., not earlier than 50 days or not later than 5:00 p.m. on the Tuesday before the election. The “not earlier than” limitation causes a great problem for these citizens. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters. We strongly urge that the **“not earlier than” dates for registration be eliminated.** Forty-nine states have already removed such requirements.

Late Registration Procedures

We realize that North Carolina currently **allows persons recently separated from the Armed Forces to register and vote in person up to and including election day.** We recommend expanding this option to Uniformed Services family members and to citizens returning from overseas employment. Many of these citizens go through a transition period and may reside in your state just prior to an election. This time frame does not meet your

state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the North Carolina election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Ohio's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Eleven states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

We realize that Ohio enacted legislation to provide for electronic transmission of the FPCA for ballot request and electronic transmission of the blank ballot to voters in the Uniformed Services. We encourage expanded use of this alternative to all UOCAVA citizens to include electronic transmission of the Federal Post Card Application for registration, electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Sample Language

An applicant who is a member of the United States Uniformed Services, the merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expansion of Late Registration Procedures

We realize that Ohio allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may not know in which state they will live. Others may move to a new state and not meet the state's residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services by separation from the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Waiver of Registration for Citizens Covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

While we realize that registration is waived in Ohio for members of the U.S. Uniformed Services and their family members, we encourage expansion of this provision to include **the merchant marine and their family members**, as well as citizens outside the U.S. The sample language below will accommodate this provision.

Sample Language

If you are a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act, your registration is waived and you may request an absentee ballot by submitting an FPCA so it is received by the county board of elections not later than 3 days before the election.

Not Earlier Than Restrictions

Ohio has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, for example, not earlier than January 1st of the year of the election, or not earlier than 90 days before the election, whichever is earlier, and not later than 3 days before the election. The “not earlier than” limitation causes a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters. We urge that the **“not earlier than” dates for ballot requests be eliminated**. Forty-six states have already removed such requirements.

State Write-In Absentee Ballot

We also recommend Ohio provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-six states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use

the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Ohio's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Eleven states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

We realize that Ohio enacted legislation to provide for electronic transmission of the FPCA for ballot request and electronic transmission of the blank ballot to voters in the Uniformed Services. We encourage expanded use of this alternative to all UOCAVA citizens to include electronic transmission of the Federal Post Card Application for registration, electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Sample Language

An applicant who is a member of the United States Uniformed Services, the merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expansion of Late Registration Procedures

We realize that Ohio allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may not know in which state they will live. Others may move to a new state and not meet the state's residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services by separation from the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Waiver of Registration for Citizens Covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

While we realize that registration is waived in Ohio for members of the U.S. Armed Forces and their family members, we encourage expansion of this provision to include all groups covered in the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* definitions. The following is an extract from the UOCAVA, 42 USC 1973ff-6. Section 107. Definitions:

“(1) "absent uniformed services voter" means --

- (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

- (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and
- (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote “

and

“(7) “uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration”.

The sample language below will accommodate this provision.

Sample Language

If you are a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act, your registration is waived and you may request an absentee ballot by submitting an FPCA so it is received by the county board of elections not later than 3 days before the election.

Not Earlier Than Restrictions

Ohio has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, for example, not earlier than January 1st of the year of the election, or not earlier than 90 days before the election, whichever is earlier, and not later than 3 days before the election. The “not earlier than” limitation causes a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters. We urge that the “**not earlier than**” **dates for ballot requests be eliminated**. Forty-nine states have already removed such requirements.

State Write-In Absentee Ballot

We also recommend Ohio provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations

and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Use of One Federal Post Card Application (FPCA) Request for Registration and a Ballot for All Elections in a Calendar Year by All UOCAVA Citizens

Puerto Rico requires in person registration to vote a full ballot. In addition, citizens are required to submit a separate FPCA for each election. Many voters are confused concerning the requirement to register in person for a full ballot and/or submit a separate request for a ballot for each election and, in 1998, many were disenfranchised for these reasons. They thought that since they requested and received a ballot for the primary election, they would automatically receive a ballot for the general election. Forty-eight states and territories now **accept one FPCA request for registration and ballot for both the primary and general or for all elections during a calendar year**. We recommend that Puerto Rico accept one absentee ballot request for all elections during a calendar year.

Sample Language

For United States citizens who are voting residents of Puerto Rico, a Federal Post Card Application for registration and absentee ballot by mail must be received by the Secretary, Commonwealth Elections Commission within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Notary Requirement

Current Puerto Rico election law requires that the FPCA and the ballot return envelope must be sworn to by a person authorized to administer oaths. Depending on the category of UOCAVA voter, the oath must be administered by a commissioned officer, the highest officer on board ship, an official in the school registrar's office, a notary public, or a consular officer. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states and territories have eliminated the notary requirement on all election materials.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Puerto Rico **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in Puerto Rico just prior to an election and this time frame does not meet Puerto Rico's normal residency requirements. Often, the date of discharge or termination of overseas employment and a commonwealth's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states and territories currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular commonwealth deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend that Puerto Rico provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from Puerto Rico in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from Puerto Rico. They do not know in advance that they need the FWAB. However, if the regular ballot from Puerto Rico does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, commonwealth, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. Puerto Rico will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Six states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the commonwealth for general election and Federal offices if:

- (1) the information submitted complied with the commonwealth's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

- (3) the request is received by the appropriate commonwealth election official not less than 30 days before the election.

The adoption of this initiative would save the commonwealth money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, commonwealth and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the commonwealth of Puerto Rico;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate Puerto Rico election official not less than 30 days before the election.*

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Commonwealth Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the commonwealth's election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. 33 states and territories now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although Puerto Rico currently allows requesting an absentee ballot electronically once registered, we encourage the use of this alternative to include the electronic transmission of the FPCA for registration, and electronically sending the unvoted ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The Commonwealth Elections Commission may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the Commonwealth of Puerto Rico has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Puerto Rico's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Eleven states and territories have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this commonwealth, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the Commonwealth.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

Rhode Island military and overseas voters continue to have an extremely short period of time to receive, vote, and return their absentee ballots in order to be counted (21 days). While electronic transmission of election materials offers an alternative to inadequate ballot transit time, insufficient ballot transit time through the mail remains the primary obstacle to timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Rhode Island's **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Even though Texas has enacted a 30-day registration deadline as a safeguard to prevent fraud, we still encourage Texas to **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late, e.g., up to the day of the election, or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election (within 30 days of the election). This time frame does not meet your state's current registration requirements. Further, the date of discharge or termination of overseas employment and the Texas registration requirement may combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently have such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We realize that Texas provides a state special write-in absentee ballot to Uniformed Services members if they are unable to cast a ballot on election day or during the early voting period because of a military contingency. We recommend expansion of this state write-in absentee ballot to **provide a method for voting by other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We request your support in developing the **acceptance of electronic transmission for all aspects of the process**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize that Texas provides for the electronic transmission of the FPCA for registration and early voting ballots. Additionally, in 1997, Texas enacted legislation to allow the electronic transmission of the voted ballot by members of the U.S. Armed Forces on active duty overseas, or their family members, if the Armed Forces members are casting the ballot from an area where the members are eligible to receive hostile fire pay or imminent danger pay, or that has been designated by the President of the United States as a combat zone. We encourage expanded use of this alternative to include electronically sending the ballot to all Texas UOCAVA voters who request it, and accepting the voted ballot where circumstances would otherwise disenfranchise a citizen.

Sample Language

An elections official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or

she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that instead of the Texas Governor, Texas' **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Federal Voting Assistance Program is in closer contact with the Chief Election Official and could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Vermont military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states have provisions for the 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Vermont's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Eleven states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Use of One Federal Post Card Application (FPCA) for All Elections in a Calendar Year

We realize that Vermont allows the use of one FPCA to request ballots for both the primary and general elections in a calendar year. However, this is confusing for citizens desiring to vote in other elections, such as special elections. These citizens think that since they requested and received a ballot for the primary and general elections, they would automatically receive a ballot for other elections. Forty-eight states now **accept one absentee ballot request for all elections in a calendar year**. We recommend that this procedure be adopted.

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Removal of Notary Requirement

Current Vermont election law requires that the FPCA used to register must be notarized. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, many small military installations may have no commissioned officer assigned.

Alternatively, we recommend unregistered applicants be instructed to read the Freeman's Oath prior to signing the FPCA. Item 8e of the 1995 FPCA contains language where the applicant swears/affirms under penalty of perjury that he or she is "a U.S. citizen, eligible to vote in the above jurisdiction and subscribe to any required state/local oath or statement." This would eliminate the need to attach the oath to the FPCA. For the reasons stated above, we recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their

country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Vermont currently allows for electronic transmission of the FPCA for registration and ballot request and electronically sending the blank ballot to the voter. We encourage enacting legislation for acceptance of the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample legislation that will provide for this alternative.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Vermont **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

State Write-In Absentee Ballot

We also recommend Vermont provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from the State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now have state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. Thirty-two states have modified state election code to reference UOCAVA.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Late Registration Procedure

The Virgin Islands currently allows members of the Armed Forces and merchant marine, discharged within 60 days of an election and who return to the Virgin Islands too late to register, to vote in the upcoming election. We recommend that the Virgin Islands expand the scope of this procedure and **allow Uniformed Services personnel (Coast Guard, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration), civilians recently separated from overseas employment, and the spouses and dependents of all these groups to be eligible for the same procedure.** These citizens also go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. Expanding the scope of your existing procedure would solve this problem. Fourteen states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Special Write-in Absentee Ballot

We also recommend the Virgin Islands provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from their voting jurisdiction. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows voting for Federal offices only. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Six states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general election and Federal offices if:

- (1) the information submitted complies with the registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

- (3) the request is received by the appropriate election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with Virgin Islands registration requirements;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Virginia enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request. We encourage expanded use of this alternative to include electronically sending the blank ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An elections official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, Virginia law allows the Federal Write-In Absentee Ballot (FWAB) to be used in all elections and from inside or outside the United States. We recommend the FWAB transmission envelope be accepted as **a request for registration simultaneously with the submission of the completed FWAB**. This would simplify the process and improve transit time. It should be noted that the information requested on the FWAB transmission envelope, is the same as the information requested from the voter on the Federal Post Card Application (FPCA). This does not change the data required from your state for these citizens. The FWAB transmission envelope and FWAB could be simultaneously accepted as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-day Ballot Transit Time

The most persistent problem which continues to face Washington military and overseas voters is the relatively short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

"Not Earlier Than" Restrictions

We also note Washington has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, for example, not earlier than 90 days before the election. The "not earlier than" limitation causes a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early by local election officials. This can be very frustrating, particularly to first time voters. We urge that the **"not earlier than" dates for ballot requests be eliminated**. Forty-nine states have already removed such requirements.

Late Registration Procedure

We recommend that **Washington allow persons recently separated from the Uniformed Services, the merchant marine or overseas employment, and their family members, to be able to register up until the election or be exempt from registration**. Many members of

the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting Washington's 15 day late registration deadline. We recommend that UOCAVA citizens be permitted to register up to the day of the next ensuing election when these circumstances arise. Twenty-four states currently allow this procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. 33 states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Commonwealth Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these

elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Six states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Washington's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Use of One Federal Post Card Application (FPCA) for All Elections in a Calendar Year

The Alabama requirement for a separate FPCA for each election more than 30 days apart places a considerable burden on uniformed and overseas voters. Many voters think that if they request a ballot for the primary election they will automatically receive a ballot for the general election and any other elections held during the calendar year. Forty-eight states now **accept one absentee ballot request for both primary and general elections or for all elections during a calendar year**. We recommend that Alabama accept one absentee ballot request for all elections during a calendar year.

Sample Language

An application for an absentee ballot by mail must be received by the Board of Registrars in the applicant's county of voting residence within the timeframe specified by law. The single absentee ballot application serves both to register the citizen and to request absentee ballots for all elections for which the voter is eligible that are held within that calendar year.

Late Registration Procedure

We recommend that Alabama **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration**. Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal voter registration deadline. A special late registration procedure for these circumstances would solve this problem. Twenty-four states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We**

recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Alabama's use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend Alabama provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance when they know in advance that they will not be able to receive, vote, and return the regular state ballot in time to be counted. Twenty-seven states now provide state write-in absentee ballots to fill this need.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular state ballot. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. The FWAB generally allows voting for Federal offices only. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the

ballot to be received, voted and returned to be counted. Six states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alabama's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Alaska **allow persons recently separated from the Uniformed Services, the merchant marine, or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. A special late registration procedure for these circumstances would solve this problem. Twenty-four states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. 33 states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership.

By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Six states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alaska's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that the District of Columbia **allow persons recently separated from the Uniformed Services or overseas employment and their family members to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in the District of Columbia just prior to an election. This time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and registration requirements combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend that the District of Columbia provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal timeframe.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize the District of Columbia allows electronic transmission of the FPCA for registration and absentee ballot request and permits faxing of the absentee ballot when military service prevents the voter from receiving and returning the voted ballot. However, we encourage you to expand the use of this alternative to include electronic transmission of the blank and voted ballots for all military and overseas citizens, electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate these alternatives.

Sample Language

An elections official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be

counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general elections and Federal offices if:

- (1) the information submitted complies with the District's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election.

The adoption of this initiative would save money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter resides outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the jurisdiction;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in the U.S., they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that **the District of Columbia's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

State Write-In Absentee Ballot

We recommend that Florida provide a state write-in absentee ballot for **all elections**. We commend you for passing legislation this year that allowed for a state write-in ballot for general elections. However, we request that you expand this to all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame for all elections**. Thus, a voter would know that they could exercise their right to vote for all Florida elections, not just one. We encourage you to include this as a revision in your bill which addresses parts overlooked in the election reform law passed earlier this year.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Eight** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Hawaii military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Use of One Federal Post Card Application (FPCA) for All Elections in a Calendar Year

Although Hawaii allows the use of a single FPCA to request ballots for primary and general elections in a calendar year, the state requires that voters submit a separate FPCA for special elections not held in conjunction with these regularly scheduled elections. Many voters think that if they request a ballot for the primary and general elections they will automatically receive a ballot for any other elections held during the calendar year. Forty-eight states now **accept one absentee ballot request for all elections during a calendar year**. We recommend that Hawaii accept one absentee ballot request for all elections during a calendar year.

Sample Language

An application for an absentee ballot by mail must be received by the county clerk in the applicant's county of voting residence within the time frame specified by law. The single absentee ballot application serves both to register the citizen and to request absentee ballots for all elections held within that calendar year for which the voter is eligible to vote, including special elections not held in conjunction with regularly scheduled elections.

"Not Earlier Than" Restrictions

We also note Hawaii has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, for example, not earlier than 60 days before the election for registered citizens. The "not earlier than" limitation causes a problem for military personnel or other citizens overseas. Although Hawaii counties may be holding "absentee ballot requests received within a reasonable time before the election", UOCAVA citizens are barred from registering at certain moments they have set aside from their busy schedule to fulfill their voting requirements. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early by local election officials. This can be very frustrating, particularly to first time voters. We urge that the **"not earlier than" dates for ballot requests be eliminated**. Forty-nine states have already removed such requirements.

Late Registration Procedures

We recommend that Hawaii **allow persons recently separated from the Uniformed Services, the merchant marine, or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration**. Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. A special late registration procedure for these circumstances would solve this problem. Twenty-four states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,**

citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Six states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Notary Requirement

Current Illinois election law requires that in order to vote a full ballot, the state affidavit of registration from unregistered Illinois residents temporarily outside the U.S. must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Armed Forces or a family member of a member of the Armed Forces, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she must subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

Illinois currently allows members of the Armed Forces or merchant marine, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Illinois expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election**. Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home after employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

An individual or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Application for Ballot by Proxy to Overseas Citizens

Currently, Illinois allows spouses, and other family members, to use a special application provided by the local election official to request that an absentee ballot be mailed to members of the Uniformed Services. We recommend this option be expanded to allow spouses and other family members of overseas civilian citizens to request an absentee ballot be mailed to them.

Sample Language

If a spouse, dependent, mother, father, sister or brother of a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is registered to vote in the same county as that citizen, he or she may request that an absentee ballot be mailed to that voter by completing a special application provided by the local election official.

State Write-In Absentee Ballot

We also recommend Illinois provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame.** A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Armed Forces or family member of a member of the Armed Forces and a qualified elector, he or she may request, not earlier than 90 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Illinois enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for ballot requests by members of the Armed Forces. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 10 of the Illinois Election Laws makes no reference to Federal law. In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which the Federal Voting Assistance Program administers. **Reference to the UOCAVA in the state election code** would help election officials and interested citizens find guidance to applicable federal law and increase their familiarity with the statute and its application. 33 states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections, except in five states that have expanded its use beyond the Federal law. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the Federal Write-In Absentee Ballot in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Six states have legislatively expanded use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted as a registration form and ballot by the state for general election and federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the State money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for federal office. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency, it is recommended that Illinois' **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and this office could mutually establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission or fax. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, or if an election contest court finds that there were errors in the conduct of an election making it impossible to determine the result.

The chief election official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Iowa enacted legislation to provide for electronic transmission of the Federal Post Card Application request for registration and an absentee ballot. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. The following sample language would allow for these procedures.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We understand Iowa currently allows discharged military personnel to register late. **We encourage expanding this option to their family members and overseas citizens who may go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election.** Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home after active duty or employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-three states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kansas' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Use of One Federal Post Card Application (FPCA) for All Elections in a Calendar Year

We realize that Kansas allows the use of one FPCA to request ballots for both the primary and general elections in a calendar year. However, this is confusing for citizens desiring to vote in other elections, such as special elections. These citizens think that since they requested and received a ballot for the primary and general elections, they would automatically receive a ballot for other elections. Forty-eight states now **accept one absentee ballot request for all elections in a calendar year**. We recommend that this procedure be adopted.

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Kansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states

that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Louisiana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots **for non-Presidential elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states currently have a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Louisiana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Eleven states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Uniformed Services, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Louisiana allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Louisiana provide a state write-in absentee ballot for all elections, *not only the Presidential election.* The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Late Registration Procedures

Although we understand that the Maryland General Assembly deleted the late registration provision from the law, we never-the-less encourage you to recommend that Maryland reinstate procedures **to allow persons recently separated from the Uniformed Services and their family members to be able to register late (or be exempt from registration)**. Previously, honorably discharged military personnel and their spouses and dependents could still vote absentee if a Federal Post Card Application arrived not later than 8 p.m. on election day. Additionally, we recommend that Maryland expand this procedure **to allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**.

Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Uniform Timetable for Receipt of Voted Ballots

In Maryland, ballots for non-presidential primary elections and special primary elections are due not later than 4 p.m. on the Wednesday following election day; voted ballots for the general or special election, mailed from *within* the United States, are due not later than 4 p.m. on the Wednesday following election day; and ballots for the general election, Presidential primary election or special election, mailed from *outside* the United States, are due not later than 4 p.m. on the second Friday following election day.

Citizens voting under the UOCAVA are often confused by this variety in election procedures and the deadlines to which they must adhere. Consequently, we recommend that for all elections, the deadline for all voted ballots from UOCAVA citizens be not later than 4 p.m. on the second Friday following election day. This is 10 days following the election. This should not interfere with your gubernatorial primary certification process. This would avoid confusion about different deadlines for receipt of voted

ballots. In addition, it would provide sufficient mail transit time to meet the state deadline for counting of ballots.

Sample Language

All citizens voting under the UOCAVA must postmark their ballot by the day of the election and return it so it is received by the local board of elections by 4 p.m. on the second Friday following election day.

State Write-In Absentee Ballot

Although we agree that Maryland provides ample time for transit of ballots under normal circumstances, especially with late counting, we want to continue to recommend that Maryland provide a state write-in absentee ballot for all elections as a means to vote in case there are delays in mailing and returning absentee ballots. Again, the main purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that

provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request your consideration again to expand the use of modern technology in the absentee voting process. We realize that Maryland allows faxing of the FPCA for an absentee ballot request; however, we encourage expansion of this alternative to include electronic transmission of the FPCA for registration (since we instruct voters to submit the original, signed FPCA after faxing and the FPCA form is a simultaneous request for registration and request for absentee ballot), electronically sending the ballot to the voter, and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. The sample language below accommodates these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local board of elections may receive FPCAs for registration, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include other elections, e.g., primary,**

for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Allowing use of the FWAB in other elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Also, during the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA. To address your concerns about lack of control over the process, the citizen must provide a valid Maryland residence address and sign the FPCA attesting that he/she is a U.S. citizen and is not voting in any other jurisdiction.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Massachusetts military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

State Write-In Absentee Ballot

We also recommend Massachusetts provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance when they know that they will not be able to receive, vote, and return the regular state ballot in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular state ballot. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. The FWAB generally allows voting for Federal offices only. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Massachusetts' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. 33 states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Massachusetts's use of modern technology in the absentee voting process. We realize Massachusetts has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA). We encourage expanded use of this alternative to include electronically sending the ballot to these voters, and accepting the voted ballot via electronic transmission from these voters where circumstances would otherwise disenfranchise them. Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Six states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Use of One Federal Post Card Application (FPCA) for ALL Elections in a Calendar Year

Michigan election law provides that an application for an absentee ballot received before a primary or special election may be for either that primary only or for that primary and the election which follows. To submit an FPCA before a primary election and request an absentee ballot for both the primary and the general election, the voter must specifically request on the FPCA, “primary and general elections” or “all elections if permitted by state law.” Many voters are confused concerning the requirement to submit a separate request for a ballot for each election and, in 1998, many were disenfranchised for this reason alone. They thought that since they requested and received a ballot for the primary election, they would automatically receive a ballot for the general election. We again recommend this year that Michigan accept one absentee ballot request for all elections during a calendar year. Note that **forty-eight** states now **accept one absentee ballot request for both the primary and general elections or for ALL elections during a calendar year.**

Sample Language

An application for an absentee ballot by mail must be received by the city or township clerk in the applicant's city or township of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Notary Requirement

Current Michigan election law requires that the FPCA used to register and request absentee ballots or to request absentee ballots only, must be sworn to before an official authorized to administer oaths if the requesters are Michigan residents temporarily residing outside the U.S. and unaffiliated with the U.S. Federal Government, or overseas citizens. This notary requirement has created continuing problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We strongly recommend action this legislative year to **remove the notary requirement for all absentee balloting materials or not require notarization after initial registration notary is provided.** Please contact us to provide testimony for, or to write letters in support of, such legislation. **Forty-nine** states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

"Not Earlier Than" Restrictions

We also note that Michigan has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, i.e., not earlier than 75 days before the election and not later than the Saturday before the election. The “not earlier than” limitation has also caused a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter

registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters. We appreciate the fact that you have provided an administrative instruction to hold applications that arrive earlier than 75 days before the election. However, we urge that the **“not earlier than” dates for ballot requests be eliminated** by legislation. Further, we recommend a part in the statutes be established for Federal absentee voters separate from regular absentee voters. Your laws now address each class of voter the same way even though there are quite different circumstances between a regular absentee voter who will not be present at the polls on election day due to vacation, hospitalization, etc. and a Federal absentee voter who requires more time to request an absentee ballot. **Forty-nine** states have already removed such requirements.

Late Registration Procedures

We recommend that Michigan **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state’s normal residency requirements. Often, the date of discharge or termination of overseas employment and a state’s registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-four** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for **all elections.** The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently **six** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Michigan Election Law refers to the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not

disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An elections official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Six** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Eight** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Special Write-in Absentee Ballot

We also recommend that Montana provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from their voting jurisdiction. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows voting for Federal offices only. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Use of One Federal Post Card Application (FPCA) for All Elections in a Calendar Year

In our view the Montana requirement for a separate FPCA for special elections places an unnecessary burden on uniformed and overseas voters. Many voters think that if they submit an FPCA absentee ballot request that they will automatically receive a ballot for every election in which they are qualified to vote. Forty-eight states now **accept one absentee ballot request for all elections during a calendar year.** We recommend that Montana adopt this procedure for UOCAVA voters.

Sample Language

An application for an absentee ballot by mail must be received by the County Election Administrator in the applicant's county of voting residence within the timeframe specified by law. The single absentee ballot application serves both to register the citizen and to request absentee ballots for all elections held within that calendar year for which the voter is eligible.

Bring Montana Election Code into Conformance with the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In our recent update to the Voting Assistance Guide it came to our attention that there is a discrepancy in the definition of eligible citizens between the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* and the Montana Election Code. Section 13-2-211 of the Montana code defines an “elector in the United States service” as members of the armed forces, merchant marine, religious groups or welfare agencies attached to the armed forces, or citizens temporarily residing outside the U.S. territorial limits, and their spouses and dependents. UOCAVA does not cover members of religious groups or welfare agencies attached to the armed forces unless they are serving overseas. In addition to the other categories of citizens listed in the Montana code, UOCAVA also includes “uniformed services” – the Coast Guard and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration. (See 42 U.S.C. 1973ff-1 and ff-6.)

We recommend that Montana review the language in the *Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA, 42 U.S.C. 1973ff et seq.)* and make appropriate amendments to the state election law provisions to include the Uniformed Services groups referenced above.

"Not Earlier Than" Restrictions

We also note that Montana has a specified time during which requests for registration and/or absentee ballots may be received by local election officials - for example, during the period beginning 75 days before the election. The “75 days before” limitation causes a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early by local election officials. This can be very frustrating, particularly to first time voters. We urge that the period “**beginning 75 days**

before the election” for ballot requests be eliminated. Forty-nine states have already removed such requirements.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Montana’s Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Eleven states now have given the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Nebraska enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests. We recommend expanded use of this alternative to include electronic transmission of the unvoted ballot to the voters covered by UOCAVA, and accepting the voted ballot from these voters via electronic transmission. Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when

insufficient time exists for the ballot to be received, voted and returned to be counted. Six states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Nebraska's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New York military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. This is why it is necessary to allow a minimum of 45 days transit time for absentee ballots.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **New York allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that New York provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the New York election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the New York Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints. Currently, forty-eight states allow electronic transmission of election materials.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We enlist your support once again this year in developing the **acceptance of electronic transmission for all parts of the process**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider using modern technology in the absentee voting process. We encourage the use of this alternative to include the **electronic transmission of the FPCA for registration and ballot request, the blank ballot to the voter, and the voted ballot from the voter** where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A county board of elections official may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,**

citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that New York's **Chief Election Official (CEO)** have **the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The CEO and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Return of Voted Ballot by Close of Polls on Election Day

We are aware that North Carolina continues to require UOCAVA voters to return their voted ballot by 5:00 p.m. on the day before the election. This deadline, of course, is a day earlier than the deadline for voting if these citizens were voting in person. This could also present a problem for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend that North Carolina **accept voted ballots from all UOCAVA citizens until the close of polls on election day**. Only five states require the return of the voted ballot before election day.

Sample Language

Citizens covered by UOCAVA must return their voted ballot so it is received by the local board of elections by the close of polls on election day.

State Write-In Absentee Ballot

We also recommend that North Carolina provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

“Not Earlier Than” Restrictions

We note that North Carolina continues to have a specified time during which requests for registration by overseas citizens and North Carolina residents temporarily outside the U.S. may be received by local election officials, i.e., not earlier than 50 days or not later than 5:00 p.m. on the Tuesday before the election. The “not earlier than” limitation causes a great problem for these citizens. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters. We strongly urge that the **“not earlier than” dates for registration be eliminated.** Forty-nine states have already removed such requirements.

Late Registration Procedures

We realize that North Carolina currently **allows persons recently separated from the Armed Forces to register and vote in person up to and including election day.** We recommend expanding this option to Uniformed Services family members and to citizens returning from overseas employment. Many of these citizens go through a transition period and may reside in your state just prior to an election. This time frame does not meet your

state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the North Carolina election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Ohio's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Eleven states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

We realize that Ohio enacted legislation to provide for electronic transmission of the FPCA for ballot request and electronic transmission of the blank ballot to voters in the Uniformed Services. We encourage expanded use of this alternative to all UOCAVA citizens to include electronic transmission of the Federal Post Card Application for registration, electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Sample Language

An applicant who is a member of the United States Uniformed Services, the merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expansion of Late Registration Procedures

We realize that Ohio allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may not know in which state they will live. Others may move to a new state and not meet the state's residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services by separation from the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Waiver of Registration for Citizens Covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

While we realize that registration is waived in Ohio for members of the U.S. Uniformed Services and their family members, we encourage expansion of this provision to include **the merchant marine and their family members**, as well as citizens outside the U.S. The sample language below will accommodate this provision.

Sample Language

If you are a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act, your registration is waived and you may request an absentee ballot by submitting an FPCA so it is received by the county board of elections not later than 3 days before the election.

Not Earlier Than Restrictions

Ohio has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, for example, not earlier than January 1st of the year of the election, or not earlier than 90 days before the election, whichever is earlier, and not later than 3 days before the election. The “not earlier than” limitation causes a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters. We urge that the **“not earlier than” dates for ballot requests be eliminated**. Forty-six states have already removed such requirements.

State Write-In Absentee Ballot

We also recommend Ohio provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-six states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use

the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Ohio's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Eleven states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

We realize that Ohio enacted legislation to provide for electronic transmission of the FPCA for ballot request and electronic transmission of the blank ballot to voters in the Uniformed Services. We encourage expanded use of this alternative to all UOCAVA citizens to include electronic transmission of the Federal Post Card Application for registration, electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Sample Language

An applicant who is a member of the United States Uniformed Services, the merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expansion of Late Registration Procedures

We realize that Ohio allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may not know in which state they will live. Others may move to a new state and not meet the state's residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services by separation from the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Waiver of Registration for Citizens Covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

While we realize that registration is waived in Ohio for members of the U.S. Armed Forces and their family members, we encourage expansion of this provision to include all groups covered in the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* definitions. The following is an extract from the UOCAVA, 42 USC 1973ff-6. Section 107. Definitions:

“(1) "absent uniformed services voter" means --

- (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

- (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and
- (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote “

and

“(7) “uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration”.

The sample language below will accommodate this provision.

Sample Language

If you are a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act, your registration is waived and you may request an absentee ballot by submitting an FPCA so it is received by the county board of elections not later than 3 days before the election.

Not Earlier Than Restrictions

Ohio has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, for example, not earlier than January 1st of the year of the election, or not earlier than 90 days before the election, whichever is earlier, and not later than 3 days before the election. The “not earlier than” limitation causes a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters. We urge that the “**not earlier than**” **dates for ballot requests be eliminated**. Forty-nine states have already removed such requirements.

State Write-In Absentee Ballot

We also recommend Ohio provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations

and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Use of One Federal Post Card Application (FPCA) Request for Registration and a Ballot for All Elections in a Calendar Year by All UOCAVA Citizens

Puerto Rico requires in person registration to vote a full ballot. In addition, citizens are required to submit a separate FPCA for each election. Many voters are confused concerning the requirement to register in person for a full ballot and/or submit a separate request for a ballot for each election and, in 1998, many were disenfranchised for these reasons. They thought that since they requested and received a ballot for the primary election, they would automatically receive a ballot for the general election. Forty-eight states and territories now **accept one FPCA request for registration and ballot for both the primary and general or for all elections during a calendar year**. We recommend that Puerto Rico accept one absentee ballot request for all elections during a calendar year.

Sample Language

For United States citizens who are voting residents of Puerto Rico, a Federal Post Card Application for registration and absentee ballot by mail must be received by the Secretary, Commonwealth Elections Commission within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Notary Requirement

Current Puerto Rico election law requires that the FPCA and the ballot return envelope must be sworn to by a person authorized to administer oaths. Depending on the category of UOCAVA voter, the oath must be administered by a commissioned officer, the highest officer on board ship, an official in the school registrar's office, a notary public, or a consular officer. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states and territories have eliminated the notary requirement on all election materials.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Puerto Rico **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in Puerto Rico just prior to an election and this time frame does not meet Puerto Rico's normal residency requirements. Often, the date of discharge or termination of overseas employment and a commonwealth's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states and territories currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular commonwealth deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend that Puerto Rico provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from Puerto Rico in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from Puerto Rico. They do not know in advance that they need the FWAB. However, if the regular ballot from Puerto Rico does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, commonwealth, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. Puerto Rico will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Six states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the commonwealth for general election and Federal offices if:

- (1) the information submitted complied with the commonwealth's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

- (3) the request is received by the appropriate commonwealth election official not less than 30 days before the election.

The adoption of this initiative would save the commonwealth money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, commonwealth and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the commonwealth of Puerto Rico;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate Puerto Rico election official not less than 30 days before the election.*

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Commonwealth Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the commonwealth's election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. 33 states and territories now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although Puerto Rico currently allows requesting an absentee ballot electronically once registered, we encourage the use of this alternative to include the electronic transmission of the FPCA for registration, and electronically sending the unvoted ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The Commonwealth Elections Commission may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the Commonwealth of Puerto Rico has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Puerto Rico's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Eleven states and territories have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this commonwealth, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the Commonwealth.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

Rhode Island military and overseas voters continue to have an extremely short period of time to receive, vote, and return their absentee ballots in order to be counted (21 days). While electronic transmission of election materials offers an alternative to inadequate ballot transit time, insufficient ballot transit time through the mail remains the primary obstacle to timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Rhode Island's **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Even though Texas has enacted a 30-day registration deadline as a safeguard to prevent fraud, we still encourage Texas to **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late, e.g., up to the day of the election, or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election (within 30 days of the election). This time frame does not meet your state's current registration requirements. Further, the date of discharge or termination of overseas employment and the Texas registration requirement may combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently have such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We realize that Texas provides a state special write-in absentee ballot to Uniformed Services members if they are unable to cast a ballot on election day or during the early voting period because of a military contingency. We recommend expansion of this state write-in absentee ballot to **provide a method for voting by other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We request your support in developing the **acceptance of electronic transmission for all aspects of the process**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize that Texas provides for the electronic transmission of the FPCA for registration and early voting ballots. Additionally, in 1997, Texas enacted legislation to allow the electronic transmission of the voted ballot by members of the U.S. Armed Forces on active duty overseas, or their family members, if the Armed Forces members are casting the ballot from an area where the members are eligible to receive hostile fire pay or imminent danger pay, or that has been designated by the President of the United States as a combat zone. We encourage expanded use of this alternative to include electronically sending the ballot to all Texas UOCAVA voters who request it, and accepting the voted ballot where circumstances would otherwise disenfranchise a citizen.

Sample Language

An elections official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or

she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that instead of the Texas Governor, Texas' **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Federal Voting Assistance Program is in closer contact with the Chief Election Official and could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Vermont military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states have provisions for the 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Vermont's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Eleven states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Use of One Federal Post Card Application (FPCA) for All Elections in a Calendar Year

We realize that Vermont allows the use of one FPCA to request ballots for both the primary and general elections in a calendar year. However, this is confusing for citizens desiring to vote in other elections, such as special elections. These citizens think that since they requested and received a ballot for the primary and general elections, they would automatically receive a ballot for other elections. Forty-eight states now **accept one absentee ballot request for all elections in a calendar year**. We recommend that this procedure be adopted.

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Removal of Notary Requirement

Current Vermont election law requires that the FPCA used to register must be notarized. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, many small military installations may have no commissioned officer assigned.

Alternatively, we recommend unregistered applicants be instructed to read the Freeman's Oath prior to signing the FPCA. Item 8e of the 1995 FPCA contains language where the applicant swears/affirms under penalty of perjury that he or she is "a U.S. citizen, eligible to vote in the above jurisdiction and subscribe to any required state/local oath or statement." This would eliminate the need to attach the oath to the FPCA. For the reasons stated above, we recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their

country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Vermont currently allows for electronic transmission of the FPCA for registration and ballot request and electronically sending the blank ballot to the voter. We encourage enacting legislation for acceptance of the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample legislation that will provide for this alternative.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Vermont **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

State Write-In Absentee Ballot

We also recommend Vermont provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from the State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now have state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. Thirty-two states have modified state election code to reference UOCAVA.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Late Registration Procedure

The Virgin Islands currently allows members of the Armed Forces and merchant marine, discharged within 60 days of an election and who return to the Virgin Islands too late to register, to vote in the upcoming election. We recommend that the Virgin Islands expand the scope of this procedure and **allow Uniformed Services personnel (Coast Guard, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration), civilians recently separated from overseas employment, and the spouses and dependents of all these groups to be eligible for the same procedure.** These citizens also go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. Expanding the scope of your existing procedure would solve this problem. Fourteen states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Special Write-in Absentee Ballot

We also recommend the Virgin Islands provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from their voting jurisdiction. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows voting for Federal offices only. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Six states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general election and Federal offices if:

- (1) the information submitted complies with the registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

- (3) the request is received by the appropriate election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with Virgin Islands registration requirements;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Virginia enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request. We encourage expanded use of this alternative to include electronically sending the blank ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An elections official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, Virginia law allows the Federal Write-In Absentee Ballot (FWAB) to be used in all elections and from inside or outside the United States. We recommend the FWAB transmission envelope be accepted as **a request for registration simultaneously with the submission of the completed FWAB**. This would simplify the process and improve transit time. It should be noted that the information requested on the FWAB transmission envelope, is the same as the information requested from the voter on the Federal Post Card Application (FPCA). This does not change the data required from your state for these citizens. The FWAB transmission envelope and FWAB could be simultaneously accepted as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-day Ballot Transit Time

The most persistent problem which continues to face Washington military and overseas voters is the relatively short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

"Not Earlier Than" Restrictions

We also note Washington has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, for example, not earlier than 90 days before the election. The "not earlier than" limitation causes a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early by local election officials. This can be very frustrating, particularly to first time voters. We urge that the **"not earlier than" dates for ballot requests be eliminated**. Forty-nine states have already removed such requirements.

Late Registration Procedure

We recommend that **Washington allow persons recently separated from the Uniformed Services, the merchant marine or overseas employment, and their family members, to be able to register up until the election or be exempt from registration**. Many members of

the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting Washington's 15 day late registration deadline. We recommend that UOCAVA citizens be permitted to register up to the day of the next ensuing election when these circumstances arise. Twenty-four states currently allow this procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. 33 states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Commonwealth Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these

elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Six states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Washington's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that Alabama **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Alabama's use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Special State Write-In Absentee Ballot

We also recommend Alabama provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame**. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Seven states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Alabama money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alabama's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act

impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that Alaska **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. 33 states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only - except in five states that have expanded its use beyond the Federal law. This ballot is repositioned worldwide at Embassies and Consulates, military installations

and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Seven states have legislatively expanded the use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Alaska money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alaska's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arkansas military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Arkansas allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Arkansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would

reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Seven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the State money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Arkansas enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and that registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballots.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 7-5-406 of the Arkansas Election Laws refers to the Overseas Citizens Voting Rights Act of 1975. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the *Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arkansas's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Use of One Federal Post Card Application (FPCA) for All Elections in a Calendar Year

We realize California allows a single FPCA to request ballots for both the primary and general elections in a calendar year. However, this is confusing for citizens desiring to vote in other elections, such as special elections. These citizens think that since they requested and received a ballot for the primary and general elections, they would automatically receive a ballot for other elections. Forty-eight states now **accept one absentee ballot request for all elections during a calendar year**. We recommend that this procedure be adopted.

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face California military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified

elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that California's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Eleven states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving

United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face California military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Seven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the

information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Nine states have passed legislation allowing these citizens to claim the legal

residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that California's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that the District of Columbia **allow persons recently separated from the Uniformed Services or overseas employment and their family members to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in the District of Columbia just prior to an election. This time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and registration requirements combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-five** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend that the District of Columbia provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal timeframe.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter

must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize the District of Columbia allows electronic transmission of the FPCA for registration and absentee ballot request and permits faxing of the absentee ballot when military service prevents the voter from receiving and returning the voted ballot. However, we encourage you to expand the use of this alternative to include electronic transmission of the blank and voted ballots for all military and overseas citizens, electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate these alternatives.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eight** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously**

with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general elections and Federal offices if:

- (1) the information submitted complies with the District's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election.

The adoption of this initiative would save money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter resides outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the jurisdiction;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in the U.S., they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Nine** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be**

allowed to vote in elections for Federal offices where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that **the District of Columbia's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Return of Voted Ballot by Close of Polls on Election Day

We notice Delaware requires UOCAVA voters to return their voted ballot by 12:00 noon on the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Delaware accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process. We realize Delaware has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for electronically sending the ballot to the voter and accepting the voted ballot from the voter.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that **Delaware allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Delaware's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We

recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Notary Requirement

Current Guam election law requires that the ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Guam's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Guam allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Guam Election Code

The Guam Election Code refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the Guam election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the Guam Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Special Write-In Absentee Ballot

We also recommend Guam provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from Guam in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state or territory does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration and ballot request, sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Hawaii military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Hawaii allow persons recently separated from the Uniformed Services, the merchant marine, or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Although Hawaii Revised Statute Section 15-3 states "...any former registered voter of Hawaii may vote an absentee ballot in any presidential election occurring within twenty-four months after leaving Hawaii...", This statute does not cover members of the Uniformed Services, the merchant marine, or citizens employed overseas, and family members that have been away for over 24 months. Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. A special late registration procedure for these circumstances would solve this problem. **Twenty-six** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state

deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. While Hawaii offers electronic transmission of election materials, the fact remains that by **expanding the use of the FWAB to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. **Nine** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Hawaii money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he

or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Notary Requirement

Current Illinois election law requires that in order to vote a full ballot, the state affidavit of registration from unregistered Illinois residents temporarily outside the U.S. must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

Illinois currently allows members of the Armed Forces or merchant marine, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Illinois expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election**. Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's 30-day residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

An individual or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Application for Ballot by Proxy to Overseas Citizens

Currently, Illinois allows spouses, and other family members, to use a special application provided by the local election official to request that an absentee ballot be mailed to members of the Uniformed Services. We recommend this option be expanded to allow spouses and other family members of overseas civilian citizens to request an absentee ballot be mailed to them.

Sample Language

If a spouse, dependent, mother, father, sister or brother of a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is registered to vote in the same county as that citizen, he or she may request that an absentee ballot be mailed to that voter by completing a special application provided by the local election official.

Special State Write-In Absentee Ballot

We also recommend Illinois provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Illinois enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for ballot requests by members of the Armed Forces. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk official

may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 10 of the Illinois Election Laws makes no reference to Federal law. In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which the Federal Voting Assistance Program administers. **Reference to the UOCAVA in the state election code** would help election officials and interested citizens find guidance to applicable federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. 33 states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Seven states have legislatively expanded use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend

the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Illinois money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they

have never resided in a state, they would be eligible to vote in elections for federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Illinois' **State Board of Elections/Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The State Board of Elections/Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission or fax. As an example, in light of the surge of Guard and Reserve forces being deployed, the State Board of Elections/Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The State Board of Elections/Chief Election Official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The State Board of Elections/Chief Election Official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the State Board of Elections/Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The State Board of Elections/Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Iowa enacted legislation to provide for electronic transmission of the Federal Post Card Application request for registration and an absentee ballot. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. The following sample language would allow for these procedures.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We understand Iowa currently allows discharged military personnel to register late. **We encourage expanding this option to their family members and overseas citizens who may go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election.** Often, the date of discharge or termination of overseas employment and a state's registration

requirement combine to disenfranchise a citizen returning home after active duty or employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kansas' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Kansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and

Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Seven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and runoff elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 117 of the Kentucky Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kentucky's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Kentucky enacted legislation, which provides for the electronic transmission of the Federal Post Card Application (FPCA) for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic

transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that **Kentucky allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Kentucky provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have

already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with

American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Louisiana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots **for non-Presidential elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states currently have a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Louisiana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Uniformed Services, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Louisiana allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Louisiana provide a state write-in absentee ballot for all elections, *not only the Presidential election.* The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Seven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Late Registration Procedures

We recommend that Maine **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Maine has enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) request for registration and ballot. We recommend expanded use of this alternative to include electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Seven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and

FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face Maine military and overseas voters is the short period of time these voters have to receive, vote, and return their absentee ballots for **non-Federal elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time

through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. However, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Maine's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting

Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Although we understand that the Maryland General Assembly deleted the late registration provision from the law, we never-the-less encourage you to recommend that Maryland reinstate procedures **to allow persons recently separated from the Uniformed Services and their family members to be able to register late (or be exempt from registration)**. Previously, honorably discharged military personnel and their spouses and dependents could still vote absentee if a Federal Post Card Application arrived not later than 8 p.m. on election day. Additionally, we recommend that Maryland expand this procedure **to allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**.

Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-five** states allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

Although we agree that Maryland provides ample time for transit of ballots under normal circumstances, especially with late counting, we want to continue to recommend that Maryland provide a state write-in absentee ballot for all elections as a means to vote in case there are delays in mailing and returning absentee ballots. Again, the main purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official. Also a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Maryland has done an exceptional job passing legislation on behalf of *UOCAVA* voters and we recognize the recent adoption of procedures regarding the faxing of the unvoted ballot. However, we request your consideration again to make further changes in Maryland law/administrative procedures that would include the faxing of the voted ballot for all *UOCAVA* absentee voters and of the FPCA for registration purposes. We realize that Maryland allows faxing of the FPCA for an absentee ballot request and now the unvoted ballot and that Maryland law prohibits electronic facsimile if the document requires a signed affidavit. However, we encourage expansion of this alternative to

include electronic transmission of the FPCA for registration (since we instruct voters to submit the original, signed FPCA after faxing and the FPCA form is a simultaneous request for registration and request for absentee ballot) and acceptance of the voted ballot electronically from the voter (signature already on file) where circumstances would otherwise disenfranchise a citizen. The sample language below accommodates these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local board of elections may receive FPCAs for registration, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

We appreciate the action taken by the Maryland State Board of Elections recently to allow overseas voters to cast votes for state and local offices in primary and special Federal elections using the Federal Write-In Absentee Ballot (FWAB). Since this ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership, many overseas citizens have access to it and would not be disenfranchised because their regular ballots were not received in a timely manner.

In addition, however, for those citizens that desire to vote in elections for Federal office only, we request the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB**. This would further simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for elections for Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Nine** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*. To address your concerns about lack of control over the process, the citizen must provide a valid Maryland residence address and sign the FPCA attesting that he/she is a U.S. citizen and is not voting in any other jurisdiction.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Massachusetts military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-five states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Special State Write-In Absentee Ballot

We also recommend Massachusetts provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame**. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Massachusetts’ Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. 33 states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Massachusetts's use of modern technology in the absentee voting process. We realize Massachusetts has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA). We encourage expanded use of this alternative to include electronically sending the ballot to these voters, and accepting the voted ballot via electronic transmission from these voters where circumstances would otherwise disenfranchise them. Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Seven states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Massachusetts money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

"Not Earlier Than" Restrictions

[We also note that Michigan has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, i.e., not earlier than 75 days before the election and not later than the Saturday before the election. The "not earlier than" limitation has also caused a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters. DELETE]

We appreciate the fact that you have provided an administrative instruction to hold applications that arrive earlier than 75 days before the election. However, the recently passed, Help America Vote Act, prohibits refusal of an application on the grounds of early submission. Thus, we urge that the **"not earlier than" dates for ballot requests be eliminated** completely from your statutes by legislation as soon as possible. Further, we recommend a part in the statutes be established for Federal absentee voters separate from regular absentee voters. Your laws now address each class of voter the same way even though there are quite different circumstances between a regular absentee voter who will not be present at the polls on election day due to vacation, hospitalization, etc. and a Federal absentee voter who requires more time to request an absentee ballot. [Forty-nine states have already removed such requirements. DELETE]

Use of One Federal Post Card Application (FPCA) for ALL Elections in a Calendar Year

Congress modified the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* in December 2001 to require the States, effective immediately, to accept a single FPCA, that is received 30 days or more before an election, as a simultaneous voter registration and absentee ballot application for all elections for Federal offices held in the State during that calendar year. FVAP reminds you of this requirement and recommends extension of this provision to include all State and local elections for which the citizen is eligible to vote. We recommend that the following procedure be adopted.

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Use of One Federal Post Card Application (FPCA) for ALL Elections in a Calendar Year

Congress modified the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* in December 2001 to require the States, effective immediately, to accept a single FPCA, that is received 30 days or more before an election, as a simultaneous voter registration and absentee ballot application for all elections for Federal offices held in the State during that calendar year. FVAP reminds you of this requirement and recommends extension of this provision to include all State and local elections for which the citizen is eligible to vote. We recommend that the following procedure be adopted:

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Notary Requirement

Current Michigan election law requires that the FPCA used to register and request absentee ballots or to request absentee ballots only, must be sworn to before an official authorized to administer oaths if the requesters are Michigan residents temporarily residing outside the U.S. and unaffiliated with the U.S. Federal Government, or overseas citizens. This notary requirement has created continuing problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We strongly recommend action this legislative year to **remove the notary requirement for all absentee balloting materials or not require notarization after initial registration notary is provided**. Please contact us to provide testimony for, or to write letters in support of, such legislation. **Forty-nine** states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

"Not Earlier Than" Restrictions

We also note that Michigan has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, i.e., not earlier than 75 days before the election and not later than the Saturday before the election. The "not earlier than" limitation has also caused a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters.

We appreciate the fact that you have provided an administrative instruction to hold applications that arrive earlier than 75 days before the election. However, we urge that the **“not earlier than” dates for ballot requests be eliminated** completely by legislation. Further, we recommend a part in the statutes be established for Federal absentee voters separate from regular absentee voters. Your laws now address each class of voter the same way even though there are quite different circumstances between a regular absentee voter who will not be present at the polls on election day due to vacation, hospitalization, etc. and a Federal absentee voter who requires more time to request an absentee ballot. **Forty-nine** states have already removed such requirements.

Late Registration Procedures

We recommend that Michigan **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state’s normal residency requirements. Often, the date of discharge or termination of overseas employment and a state’s registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-five** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for **all elections.** The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently **six** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Michigan Election Law refers to the *Federal Voting Assistance Act of 1955* and the *Overseas Citizens Voting Rights Act of 1975*. In 1986, Congress updated and consolidated the provisions of the *1955 Act* and the *Overseas Citizens Voting Rights Act of 1975* into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eight** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Eight** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Use of One Federal Post Card Application (FPCA) for ALL Elections in a Calendar Year

Congress modified the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* in December 2001 to require the States, effective immediately, to accept a single FPCA, that is received 30 days or more before an election, as a simultaneous voter registration and absentee ballot application for all elections for Federal offices held in the State during that calendar year. FVAP reminds you of this requirement and recommends extension of this provision to include all State and local elections for which the citizen is eligible to vote. We recommend that the following procedure be adopted.

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Notary Requirement

Current Michigan election law requires that the FPCA used to register and request absentee ballots or to request absentee ballots only, must be sworn to before an official authorized to administer oaths if the requesters are Michigan residents temporarily residing outside the U.S. and unaffiliated with the U.S. Federal Government, or overseas citizens. This notary requirement has created continuing problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We strongly recommend action this legislative year to **remove the notary requirement for all absentee balloting materials or not require notarization after initial registration notary is provided**. Please contact us to provide testimony for, or to write letters in support of, such legislation. **Forty-nine** states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Michigan **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-five** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for **all elections**. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently **six** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Michigan Election Law refers to the *Federal Voting Assistance Act of 1955* and the *Overseas Citizens Voting Rights Act of 1975*. In 1986, Congress updated and consolidated the provisions of the *1955 Act* and the *Overseas Citizens Voting Rights Act of 1975* into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code will help**

election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for

legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eight** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Eight** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Minnesota military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as State Department personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Minnesota **allow persons recently separated from the Uniformed Services or overseas employment and their family members to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Notary Requirement

We realize notarization of the FPCA and the ballot return envelope is not necessary if a voter provides his/her military ID number or passport number. However, if a voter overlooks this requirement or if he or she is unable to obtain notarial services, he or she may be disenfranchised. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

State Write-In Absentee Ballot

We also recommend Minnesota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame**. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states beyond Federal law that have expanded the use of the FWAB and the 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Minnesota has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided

in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Minnesota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Mississippi election law requires that the FPCA and the affidavit on the absentee ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Return of Voted Ballot by Close of Polls on Election Day

We notice Mississippi requires UOCAVA voters to return their voted ballot by 5:00 p.m. the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, the voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Mississippi accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 23, Section 23-15-677 of the Mississippi Election Laws refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Mississippi's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be

necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Mississippi allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Mississippi provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is

generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We

recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Special State Write-in Absentee Ballot

We also recommend that Montana provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from their voting jurisdiction. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows voting for Federal offices only. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Bring Montana Election Code into Conformance with the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In our recent update to the Voting Assistance Guide it came to our attention that there is a discrepancy in the definition of eligible citizens between the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* and the Montana Election Code. Section 13-2-211 of the Montana code defines an “elector in the United States service” as members of the armed forces, merchant marine, religious groups or welfare agencies attached to the armed forces, or citizens temporarily residing outside the U.S. territorial limits, and their spouses and

dependents. UOCAVA does not cover members of religious groups or welfare agencies attached to the armed forces unless they are serving overseas. In addition to the other categories of citizens listed in the Montana code, UOCAVA also includes “uniformed services” – the Coast Guard and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration. (See 42 U.S.C. 1973ff-1 and ff-6.)

We recommend that Montana review the language in the *Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA, 42 U.S.C. 1973ff et seq.)* and make appropriate amendments to the state election law provisions to include the Uniformed Services groups referenced above.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Montana’s Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible

or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Nebraska enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests. We recommend expanded use of this alternative to include electronic transmission of the unvoted ballot to the voters covered by UOCAVA, and accepting the voted ballot from these voters via electronic transmission. Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Seven states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Nebraska money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Nebraska's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Return of Voted Ballot by Close of Polls on Election Day

We are aware that North Carolina continues to require *UOCAVA* voters to return their voted ballot by 5:00 p.m. on the day before the election. This deadline, of course, is a day earlier than the deadline for voting if these citizens were voting in person. This could also present a problem for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend that North Carolina **accept voted ballots from all *UOCAVA* citizens until the close of polls on election day.** Only **five** states require the return of the voted ballot before election day.

Sample Language

Citizens covered by UOCAVA must return their voted ballot so the local board of elections receives it by the close of polls on election day.

State Write-In Absentee Ballot

We also recommend that North Carolina provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eight** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 ——— days before the election.*

Late Registration Procedures

We realize that North Carolina currently **allows persons recently separated from the Armed Forces to register and vote in person up to and including election day.** We recommend expanding this option to Uniformed Services family members and to citizens returning from overseas employment. Many of these citizens go through a transition period and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-five** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 16 of the North Dakota Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **North Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Ohio's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

We realize that Ohio enacted legislation to provide for electronic transmission of the FPCA for ballot request and electronic transmission of the blank ballot to voters in the Uniformed Services. We encourage expanded use of this alternative to all UOCAVA citizens to include electronic transmission of the Federal Post Card Application for registration, electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Sample Language

An applicant who is a member of the United States Uniformed Services, the merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expansion of Late Registration Procedures

We realize that Ohio allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may not know in which state they will live. Others may move to a new state and not meet the state's residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services by separation from the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Waiver of Registration for Citizens Covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

While we realize that registration is waived in Ohio for members of the U.S. Armed Forces and their family members, we encourage expansion of this provision to include all groups covered in the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* definitions. The following is an extract from the UOCAVA, 42 USC 1973ff-6. Section 107. Definitions:

“(1) "absent uniformed services voter" means --

- (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

- (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and
- (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote “

and

“(7) “uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration”.

The sample language below will accommodate this provision.

Sample Language

If you are a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act, your registration is waived and you may request an absentee ballot by submitting an FPCA so it is received by the county board of elections not later than 3 days before the election.

Not Earlier Than Restrictions

Ohio has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, for example, not earlier than January 1st of the year of the election, or not earlier than 90 days before the election, whichever is earlier, and not later than 3 days before the election. The “not earlier than” limitation causes a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters. We urge that the “**not earlier than**” **dates for ballot requests be eliminated**. Forty-nine states have already removed such requirements.

State Write-In Absentee Ballot

We also recommend Ohio provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations

and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Seven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Ohio's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

We realize that Ohio enacted legislation to provide for electronic transmission of the FPCA for ballot request and electronic transmission of the blank ballot to voters in the Uniformed Services. We encourage expanded use of this alternative to all UOCAVA citizens to include electronic transmission of the Federal Post Card Application for registration, electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Sample Language

An applicant who is a member of the United States Uniformed Services, the merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expansion of Late Registration Procedures

We realize that Ohio allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may not know in which state they will live. Others may move to a new state and not meet the state's residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services by separation from the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Waiver of Registration for Citizens Covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

While we realize that registration is waived in Ohio for members of the U.S. Armed Forces and their family members, we encourage expansion of this provision to include all groups covered in the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* definitions. The following is an extract from the UOCAVA, 42 USC 1973ff-6. Section 107. Definitions:

“(1) "absent uniformed services voter" means --

- (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

- (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and
- (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote “

and

“(7) “uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration”.

The sample language below will accommodate this provision.

Sample Language

If you are a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act, your registration is waived and you may request an absentee ballot by submitting an FPCA so it is received by the county board of elections not later than 3 days before the election.

State Write-In Absentee Ballot

We also recommend Ohio provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is repositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Seven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Use of One Federal Post Card Application (FPCA) for All Elections in a Calendar Year As a Simultaneous Request for Registration and An Absentee Ballot

Per the amendment to Section 104 of the *UOCAVA* under the *National Defense Appropriations Act of 2001*, you have notified your counties of the use of one FPCA for all elections in a calendar year. We need to also ensure that the use of the state Voter Registration Mail Application (VRMA) is no longer required for *UOCAVA* voters. Since the amendment to Section 102 of *UOCAVA* requires states to accept the FPCA as a voter registration application, it is our understanding that the Pennsylvania VRMA is no longer required for all *UOCAVA* voters. Further, the recently passed, Help America Vote Act provides for the use of a single application through the next two regularly scheduled general elections for Federal office. We urge you to include this provision in your statutes as soon as possible.

Return of Voted Ballot by Close of Polls on Election Day

We continue to note that Pennsylvania requires voters covered under the *Uniformed and Overseas Absentee Voting Act (UOCAVA)* to return their voted ballot by 5:00 p.m. on the Friday before the election. This deadline is earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Pennsylvania accept voted ballots from all *UOCAVA* citizens until the close of polls on election day. Only **five** other states require the return of the voted ballot before election day.

Late Registration Procedures

We recommend that **Pennsylvania allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-five** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of the *Federal Voting Assistance Act of 1955* and the *Overseas Citizens Voting Rights Act of 1975* into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in Pennsylvania's election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We request your support in developing the **acceptance of electronic transmission for all aspects of the process in all counties**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize that most Pennsylvania counties allow the electronic transmission of the FPCA for registration and ballot request and the electronic transmission of the blank and voted ballot. We encourage expanded use of this alternative to include all counties electronically accepting the FPCA for registration and ballot request, sending the blank ballot and receiving the voted ballot from all *UOCAVA* citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eight** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope

is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Nine** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that **Pennsylvania's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Puerto Rico election law requires that the FPCA and the ballot return envelope must be sworn to by a person authorized to administer oaths. Depending on the category of *UOCAVA* voter, the oath must be administered by a commissioned officer, the highest officer on board ship, an official in the school registrar's office, a notary public, or a consular officer. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states and territories have eliminated the notary requirement on all election materials.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Puerto Rico **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in Puerto Rico just prior to an election and this time frame does not meet Puerto Rico's normal residency requirements. Often, the date of discharge or termination of overseas employment and a commonwealth's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states and territories currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular commonwealth deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special State Write-In Absentee Ballot

We also recommend that Puerto Rico provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from Puerto Rico in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from Puerto Rico. They do not know in advance that they need the FWAB. If the regular absentee ballot from Puerto Rico does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, commonwealth, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. Puerto Rico will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner.

Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Seven states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the commonwealth for general election and Federal offices if:

- (1) the information submitted complied with the commonwealth's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate commonwealth election official not less than 30 days before the election.

The adoption of this initiative would save the commonwealth money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, commonwealth and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the commonwealth of Puerto Rico;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the*

request is submitted; and

(3) the request is received by the appropriate Puerto Rico election official not less than 30 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Commonwealth Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the commonwealth's election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. 33 states and territories now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although Puerto Rico currently allows requesting an absentee ballot electronically once registered, we encourage the use of this alternative to include the electronic transmission of the FPCA for registration, and electronically sending the unvoted ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The Commonwealth Elections Commission may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the Commonwealth of Puerto Rico has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Puerto Rico's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Eleven states and territories have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this commonwealth, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the Commonwealth.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

Rhode Island military and overseas voters continue to have an extremely short period of time to receive, vote, and return their absentee ballots in order to be counted (21 days). While electronic transmission of election materials offers an alternative to inadequate ballot transit time, insufficient ballot transit time through the mail remains the primary obstacle to timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Rhode Island's **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirements

Currently South Dakota requires the ballot return envelope to be certified by a noncommissioned or commissioned officer if it is not possible to obtain a military postmark on or before election day. This requirement creates a burden for military members who may be assigned to a small military installation that may not have an officer available at all time. We recommend removal of the notary requirement for all absentee balloting materials. Forty-eight states have eliminated the notary requirement on all election materials to date.

Late Registration Procedures

We recommend that South Dakota **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **South Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration and ballot request, electronically sending the ballot to the voter and accepting the voted ballot from the voter, where circumstances would otherwise disenfranchise a citizen.

Below is suggested language allowing for electronic transmission to be used in these three steps of the absentee voting process.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend South Dakota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot

during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Late Registration Procedures

Even though Texas has enacted a 30-day registration deadline as a safeguard to prevent fraud, we still encourage Texas to **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late, e.g., up to the day of the election, or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election (within 30 days of the election). This time frame does not meet your state's current registration requirements. Further, the date of discharge or termination of overseas employment and the Texas registration requirement may combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-five** states currently have such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We realize that Texas provides a state special write-in absentee ballot to Uniformed Services members if they are unable to cast a ballot on election day or during the early voting period because of a military contingency. We recommend expansion of this state write-in absentee ballot to **provide a method for voting by other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We request your support in developing the **acceptance of electronic transmission for all aspects of the process**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize that Texas provides for the electronic transmission of the FPCA for registration and early voting ballots. Additionally, in 1997, Texas enacted legislation to allow the electronic transmission of the voted ballot by members of the U.S. Armed Forces on active duty overseas, or their family members, if the Armed Forces members are casting the ballot from an area where the members are eligible to receive hostile fire pay or imminent danger pay, or that has been designated by the President of the United States as a combat zone. We encourage expanded use of this alternative to include electronically sending the ballot to all Texas UOCAVA voters who request it, and accepting the voted ballot where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would

reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eight** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states, most recently West Virginia, have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that instead of the Texas Governor, Texas' **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Federal Voting Assistance Program is in closer contact with the Chief Election Official and could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Currently Utah requires the ballot return envelope to be certified by a noncommissioned or commissioned officer if it is not possible to obtain a military postmark on or before election day. This requirement creates a burden for military members who may be assigned to a small military installation that may not have an officer available at all time. We recommend **removal of the notary requirement for all absentee balloting materials.** Forty-eight states have eliminated the notary requirement on all election materials to date.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Utah's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard

and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Currently, acceptance of electronic transmission of election materials varies from county to county in Utah. Consideration should be given to more uniform use of modern technology in the absentee voting process. We encourage statewide adoption of procedures to allow for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot request, electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We realize Utah provides a Special Military Write-In Absentee Ballot if the citizen will be unable to vote by regular ballot. We recommend expanding use of this ballot to **provide a method for voting to other persons overseas who, due to special**

circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states have implemented state write-in absentee ballots for this purpose.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently nine states that have expanded the use of the FWAB and the 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in the general election. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner.

Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. On an *ad hoc* basis, during past primaries, several states and jurisdictions allowed the FWAB to be used for offices

other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Vermont military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states have provisions for the 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Vermont's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Eleven states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Use of One Federal Post Card Application (FPCA) for All Elections in a Calendar Year

We realize that Vermont allows the use of one FPCA to request ballots for both the primary and general elections in a calendar year. However, this is confusing for citizens desiring to vote in other elections, such as special elections. These citizens think that since they requested and received a ballot for the primary and general elections, they would automatically receive a ballot for other elections. Forty-eight states now **accept one absentee ballot request for all elections in a calendar year**. We recommend that this procedure be adopted.

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Removal of Notary Requirement

Current Vermont election law requires that the FPCA used to register must be notarized. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, many small military installations may have no commissioned officer assigned.

Alternatively, we recommend unregistered applicants be instructed to read the Freeman's Oath prior to signing the FPCA. Item 8e of the 1995 FPCA contains language where the applicant swears/affirms under penalty of perjury that he or she is "a U.S. citizen, eligible to vote in the above jurisdiction and subscribe to any required state/local oath or statement." This would eliminate the need to attach the oath to the FPCA. For the reasons stated above, we recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their

country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Vermont currently allows for electronic transmission of the FPCA for registration and ballot request and electronically sending the blank ballot to the voter. We encourage enacting legislation for acceptance of the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample legislation that will provide for this alternative.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Vermont **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

State Write-In Absentee Ballot

We also recommend Vermont provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from the State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now have state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. Thirty-two states have modified state election code to reference UOCAVA.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Vermont military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states have provisions for the 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Vermont's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Removal of Notary Requirement

Current Vermont election law requires that the FPCA used to register must be notarized. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, many small military installations may have no commissioned officer assigned.

Alternatively, we recommend unregistered applicants be instructed to read the Freeman's Oath prior to signing the FPCA. Item 8e of the 1995 FPCA contains language where the applicant swears/affirms under penalty of perjury that he or she is "a U.S. citizen, eligible to vote in the above jurisdiction and subscribe to any required state/local oath or statement." This would eliminate the need to attach the oath to the FPCA. For the reasons stated above, we recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Vermont currently allows for electronic transmission of the FPCA for registration and ballot request and electronically sending the blank ballot to the voter. We encourage enacting legislation for acceptance of the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample legislation that will provide for this alternative.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Vermont **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Seven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

State Write-In Absentee Ballot

We also recommend Vermont provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from the State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now have state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. Thirty-five states have modified state election code to reference UOCAVA.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Late Registration Procedure

The Virgin Islands currently allows members of the Armed Forces and merchant marine, discharged within 60 days of an election and who return to the Virgin Islands too late to register, to vote in the upcoming election. We recommend that the Virgin Islands expand the scope of this procedure and **allow Uniformed Services personnel (Coast Guard, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration), civilians recently separated from overseas employment, and the spouses and dependents of all these groups to be eligible for the same procedure.** These citizens also go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. Expanding the scope of your existing procedure would solve this problem. Fourteen states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Special Write-in Absentee Ballot

We also recommend the Virgin Islands provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows voting for Federal offices only. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Seven states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general election and Federal offices if:

- (1) the information submitted complies with the registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

- (3) the request is received by the appropriate election official not less than 30 days before the election.

The adoption of this initiative would save Virgin Islands money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with Virgin Islands registration requirements;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Nine** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Virginia enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request. We encourage expanded use of this alternative to include electronically sending the blank ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An elections official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, Virginia law allows the Federal Write-In Absentee Ballot (FWAB) to be used in all elections and from inside or outside the United States. We recommend the FWAB transmission envelope be accepted as **a request for registration simultaneously with the submission of the completed FWAB**. This would simplify the process and improve transit time. It should be noted that the information requested on the FWAB transmission envelope, is the same as the information requested from the voter on the Federal Post Card Application (FPCA). This does not change the data required from your state for these citizens. The FWAB transmission envelope and FWAB could be simultaneously accepted as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-day Ballot Transit Time

The most persistent problem which continues to face Washington military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices.** This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-five states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedure

We recommend that **Washington allow persons recently separated from the Uniformed Services, the merchant marine or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting Washington's 15-day late registration deadline. We recommend that UOCAVA citizens be permitted to register up to the day of the next ensuing election when these circumstances arise. Twenty-five states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. 33 states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Commonwealth Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Seven states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Washington money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Washington's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving *United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.*

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **West Virginia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **West Virginia's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, electronically sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend West Virginia provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

For those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information that is requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election.

The adoption of this initiative would save the territory money and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the territory;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election.*

State Write-In Absentee Ballot

We recommend that Wyoming provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. The FWAB allows voting for Federal offices only. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure near real-time delivery of election materials between the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time substantially.

We note that Wyoming permits absentee ballot requests to be made by telephone and email. We encourage the further use of electronic transmission to include electronically sending the Federal Post Card Application (FPCA) for registration and absentee ballot request, sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the merchant marine, or their family members, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Seven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wyoming's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that Alabama **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Alabama's use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Special State Write-In Absentee Ballot

We also recommend Alabama provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame**. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Seven states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Alabama money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alabama's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act

impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that Alaska **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. 33 states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only - except in five states that have expanded its use beyond the Federal law. This ballot is repositioned worldwide at Embassies and Consulates, military installations

and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Seven states have legislatively expanded the use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Alaska money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alaska's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arkansas military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Arkansas allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Arkansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would

reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Seven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the State money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Arkansas enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and that registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballots.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 7-5-406 of the Arkansas Election Laws refers to the Overseas Citizens Voting Rights Act of 1975. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the *Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arkansas's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Use of One Federal Post Card Application (FPCA) for All Elections in a Calendar Year

We realize California allows a single FPCA to request ballots for both the primary and general elections in a calendar year. However, this is confusing for citizens desiring to vote in other elections, such as special elections. These citizens think that since they requested and received a ballot for the primary and general elections, they would automatically receive a ballot for other elections. Forty-eight states now **accept one absentee ballot request for all elections during a calendar year**. We recommend that this procedure be adopted.

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face California military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified

elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that California's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Eleven states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving

United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face California military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Seven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the

information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Nine states have passed legislation allowing these citizens to claim the legal

residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that California's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that the District of Columbia **allow persons recently separated from the Uniformed Services or overseas employment and their family members to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in the District of Columbia just prior to an election. This time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and registration requirements combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-five** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend that the District of Columbia provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal timeframe.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter

must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize the District of Columbia allows electronic transmission of the FPCA for registration and absentee ballot request and permits faxing of the absentee ballot when military service prevents the voter from receiving and returning the voted ballot. However, we encourage you to expand the use of this alternative to include electronic transmission of the blank and voted ballots for all military and overseas citizens, electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate these alternatives.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eight** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously**

with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general elections and Federal offices if:

- (1) the information submitted complies with the District's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election.

The adoption of this initiative would save money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter resides outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the jurisdiction;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in the U.S., they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Nine** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be**

allowed to vote in elections for Federal offices where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that **the District of Columbia's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Return of Voted Ballot by Close of Polls on Election Day

We notice Delaware requires UOCAVA voters to return their voted ballot by 12:00 noon on the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Delaware accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process. We realize Delaware has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for electronically sending the ballot to the voter and accepting the voted ballot from the voter.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that **Delaware allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Delaware's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We

recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Notary Requirement

Current Guam election law requires that the ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Guam's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Guam allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Guam Election Code

The Guam Election Code refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the Guam election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the Guam Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Special Write-In Absentee Ballot

We also recommend Guam provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from Guam in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state or territory does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration and ballot request, sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Hawaii military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Hawaii allow persons recently separated from the Uniformed Services, the merchant marine, or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Although Hawaii Revised Statute Section 15-3 states "...any former registered voter of Hawaii may vote an absentee ballot in any presidential election occurring within twenty-four months after leaving Hawaii...", This statute does not cover members of the Uniformed Services, the merchant marine, or citizens employed overseas, and family members that have been away for over 24 months. Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. A special late registration procedure for these circumstances would solve this problem. **Twenty-six** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state

deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. While Hawaii offers electronic transmission of election materials, the fact remains that by **expanding the use of the FWAB to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. **Nine** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Hawaii money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he

or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Notary Requirement

Current Illinois election law requires that in order to vote a full ballot, the state affidavit of registration from unregistered Illinois residents temporarily outside the U.S. must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

Illinois currently allows members of the Armed Forces or merchant marine, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Illinois expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election**. Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's 30-day residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

An individual or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Application for Ballot by Proxy to Overseas Citizens

Currently, Illinois allows spouses, and other family members, to use a special application provided by the local election official to request that an absentee ballot be mailed to members of the Uniformed Services. We recommend this option be expanded to allow spouses and other family members of overseas civilian citizens to request an absentee ballot be mailed to them.

Sample Language

If a spouse, dependent, mother, father, sister or brother of a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is registered to vote in the same county as that citizen, he or she may request that an absentee ballot be mailed to that voter by completing a special application provided by the local election official.

Special State Write-In Absentee Ballot

We also recommend Illinois provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Illinois enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for ballot requests by members of the Armed Forces. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk official

may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 10 of the Illinois Election Laws makes no reference to Federal law. In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which the Federal Voting Assistance Program administers. **Reference to the UOCAVA in the state election code** would help election officials and interested citizens find guidance to applicable federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. 33 states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Seven states have legislatively expanded use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend

the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Illinois money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they

have never resided in a state, they would be eligible to vote in elections for federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Illinois' **State Board of Elections/Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The State Board of Elections/Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission or fax. As an example, in light of the surge of Guard and Reserve forces being deployed, the State Board of Elections/Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The State Board of Elections/Chief Election Official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The State Board of Elections/Chief Election Official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the State Board of Elections/Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The State Board of Elections/Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Iowa enacted legislation to provide for electronic transmission of the Federal Post Card Application request for registration and an absentee ballot. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. The following sample language would allow for these procedures.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We understand Iowa currently allows discharged military personnel to register late. **We encourage expanding this option to their family members and overseas citizens who may go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election.** Often, the date of discharge or termination of overseas employment and a state's registration

requirement combine to disenfranchise a citizen returning home after active duty or employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kansas' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Kansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and

Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Seven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and runoff elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 117 of the Kentucky Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kentucky's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Kentucky enacted legislation, which provides for the electronic transmission of the Federal Post Card Application (FPCA) for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic

transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that **Kentucky allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Kentucky provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have

already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with

American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Louisiana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots **for non-Presidential elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states currently have a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Louisiana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Uniformed Services, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Louisiana allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Louisiana provide a state write-in absentee ballot for all elections, *not only the Presidential election.* The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Seven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Late Registration Procedures

We recommend that Maine **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Maine has enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) request for registration and ballot. We recommend expanded use of this alternative to include electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Seven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and

FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face Maine military and overseas voters is the short period of time these voters have to receive, vote, and return their absentee ballots for **non-Federal elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time

through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. However, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Maine's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting

Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Although we understand that the Maryland General Assembly deleted the late registration provision from the law, we never-the-less encourage you to recommend that Maryland reinstate procedures **to allow persons recently separated from the Uniformed Services and their family members to be able to register late (or be exempt from registration)**. Previously, honorably discharged military personnel and their spouses and dependents could still vote absentee if a Federal Post Card Application arrived not later than 8 p.m. on election day. Additionally, we recommend that Maryland expand this procedure **to allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**.

Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-five** states allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

Although we agree that Maryland provides ample time for transit of ballots under normal circumstances, especially with late counting, we want to continue to recommend that Maryland provide a state write-in absentee ballot for all elections as a means to vote in case there are delays in mailing and returning absentee ballots. Again, the main purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official. Also a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Maryland has done an exceptional job passing legislation on behalf of *UOCAVA* voters and we recognize the recent adoption of procedures regarding the faxing of the unvoted ballot. However, we request your consideration again to make further changes in Maryland law/administrative procedures that would include the faxing of the voted ballot for all *UOCAVA* absentee voters and of the FPCA for registration purposes. We realize that Maryland allows faxing of the FPCA for an absentee ballot request and now the unvoted ballot and that Maryland law prohibits electronic facsimile if the document requires a signed affidavit. However, we encourage expansion of this alternative to

include electronic transmission of the FPCA for registration (since we instruct voters to submit the original, signed FPCA after faxing and the FPCA form is a simultaneous request for registration and request for absentee ballot) and acceptance of the voted ballot electronically from the voter (signature already on file) where circumstances would otherwise disenfranchise a citizen. The sample language below accommodates these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local board of elections may receive FPCAs for registration, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

We appreciate the action taken by the Maryland State Board of Elections recently to allow overseas voters to cast votes for state and local offices in primary and special Federal elections using the Federal Write-In Absentee Ballot (FWAB). Since this ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership, many overseas citizens have access to it and would not be disenfranchised because their regular ballots were not received in a timely manner.

In addition, however, for those citizens that desire to vote in elections for Federal office only, we request the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB**. This would further simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for elections for Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Nine** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*. To address your concerns about lack of control over the process, the citizen must provide a valid Maryland residence address and sign the FPCA attesting that he/she is a U.S. citizen and is not voting in any other jurisdiction.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Massachusetts military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-five states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Special State Write-In Absentee Ballot

We also recommend Massachusetts provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame**. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Massachusetts’ Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. 33 states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Massachusetts's use of modern technology in the absentee voting process. We realize Massachusetts has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA). We encourage expanded use of this alternative to include electronically sending the ballot to these voters, and accepting the voted ballot via electronic transmission from these voters where circumstances would otherwise disenfranchise them. Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Seven states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Massachusetts money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

"Not Earlier Than" Restrictions

[We also note that Michigan has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, i.e., not earlier than 75 days before the election and not later than the Saturday before the election. The "not earlier than" limitation has also caused a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters. DELETE]

We appreciate the fact that you have provided an administrative instruction to hold applications that arrive earlier than 75 days before the election. However, the recently passed, Help America Vote Act, prohibits refusal of an application on the grounds of early submission. Thus, we urge that the **"not earlier than" dates for ballot requests be eliminated** completely from your statutes by legislation as soon as possible. Further, we recommend a part in the statutes be established for Federal absentee voters separate from regular absentee voters. Your laws now address each class of voter the same way even though there are quite different circumstances between a regular absentee voter who will not be present at the polls on election day due to vacation, hospitalization, etc. and a Federal absentee voter who requires more time to request an absentee ballot. [Forty-nine states have already removed such requirements. DELETE]

Use of One Federal Post Card Application (FPCA) for ALL Elections in a Calendar Year

Congress modified the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* in December 2001 to require the States, effective immediately, to accept a single FPCA, that is received 30 days or more before an election, as a simultaneous voter registration and absentee ballot application for all elections for Federal offices held in the State during that calendar year. FVAP reminds you of this requirement and recommends extension of this provision to include all State and local elections for which the citizen is eligible to vote. We recommend that the following procedure be adopted.

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Use of One Federal Post Card Application (FPCA) for ALL Elections in a Calendar Year

Congress modified the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* in December 2001 to require the States, effective immediately, to accept a single FPCA, that is received 30 days or more before an election, as a simultaneous voter registration and absentee ballot application for all elections for Federal offices held in the State during that calendar year. FVAP reminds you of this requirement and recommends extension of this provision to include all State and local elections for which the citizen is eligible to vote. We recommend that the following procedure be adopted:

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Notary Requirement

Current Michigan election law requires that the FPCA used to register and request absentee ballots or to request absentee ballots only, must be sworn to before an official authorized to administer oaths if the requesters are Michigan residents temporarily residing outside the U.S. and unaffiliated with the U.S. Federal Government, or overseas citizens. This notary requirement has created continuing problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We strongly recommend action this legislative year to **remove the notary requirement for all absentee balloting materials or not require notarization after initial registration notary is provided**. Please contact us to provide testimony for, or to write letters in support of, such legislation. **Forty-nine** states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

"Not Earlier Than" Restrictions

We also note that Michigan has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, i.e., not earlier than 75 days before the election and not later than the Saturday before the election. The "not earlier than" limitation has also caused a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters.

We appreciate the fact that you have provided an administrative instruction to hold applications that arrive earlier than 75 days before the election. However, we urge that the **“not earlier than” dates for ballot requests be eliminated** completely by legislation. Further, we recommend a part in the statutes be established for Federal absentee voters separate from regular absentee voters. Your laws now address each class of voter the same way even though there are quite different circumstances between a regular absentee voter who will not be present at the polls on election day due to vacation, hospitalization, etc. and a Federal absentee voter who requires more time to request an absentee ballot. **Forty-nine** states have already removed such requirements.

Late Registration Procedures

We recommend that Michigan **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state’s normal residency requirements. Often, the date of discharge or termination of overseas employment and a state’s registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-five** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for **all elections.** The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently **six** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Michigan Election Law refers to the *Federal Voting Assistance Act of 1955* and the *Overseas Citizens Voting Rights Act of 1975*. In 1986, Congress updated and consolidated the provisions of the *1955 Act* and the *Overseas Citizens Voting Rights Act of 1975* into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eight** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Eight** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Use of One Federal Post Card Application (FPCA) for ALL Elections in a Calendar Year

Congress modified the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* in December 2001 to require the States, effective immediately, to accept a single FPCA, that is received 30 days or more before an election, as a simultaneous voter registration and absentee ballot application for all elections for Federal offices held in the State during that calendar year. FVAP reminds you of this requirement and recommends extension of this provision to include all State and local elections for which the citizen is eligible to vote. We recommend that the following procedure be adopted.

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Notary Requirement

Current Michigan election law requires that the FPCA used to register and request absentee ballots or to request absentee ballots only, must be sworn to before an official authorized to administer oaths if the requesters are Michigan residents temporarily residing outside the U.S. and unaffiliated with the U.S. Federal Government, or overseas citizens. This notary requirement has created continuing problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We strongly recommend action this legislative year to **remove the notary requirement for all absentee balloting materials or not require notarization after initial registration notary is provided**. Please contact us to provide testimony for, or to write letters in support of, such legislation. **Forty-nine** states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Michigan **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-five** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for **all elections**. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently **six** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Michigan Election Law refers to the *Federal Voting Assistance Act of 1955* and the *Overseas Citizens Voting Rights Act of 1975*. In 1986, Congress updated and consolidated the provisions of the *1955 Act* and the *Overseas Citizens Voting Rights Act of 1975* into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code will help**

election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for

legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eight** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Eight** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Minnesota military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as State Department personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Minnesota **allow persons recently separated from the Uniformed Services or overseas employment and their family members to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Notary Requirement

We realize notarization of the FPCA and the ballot return envelope is not necessary if a voter provides his/her military ID number or passport number. However, if a voter overlooks this requirement or if he or she is unable to obtain notarial services, he or she may be disenfranchised. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

State Write-In Absentee Ballot

We also recommend Minnesota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame**. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states beyond Federal law that have expanded the use of the FWAB and the 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Minnesota has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided

in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Minnesota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Mississippi election law requires that the FPCA and the affidavit on the absentee ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Return of Voted Ballot by Close of Polls on Election Day

We notice Mississippi requires UOCAVA voters to return their voted ballot by 5:00 p.m. the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, the voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Mississippi accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 23, Section 23-15-677 of the Mississippi Election Laws refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Mississippi's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be

necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Mississippi allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Mississippi provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is

generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We

recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Special State Write-in Absentee Ballot

We also recommend that Montana provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from their voting jurisdiction. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows voting for Federal offices only. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Bring Montana Election Code into Conformance with the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In our recent update to the Voting Assistance Guide it came to our attention that there is a discrepancy in the definition of eligible citizens between the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* and the Montana Election Code. Section 13-2-211 of the Montana code defines an “elector in the United States service” as members of the armed forces, merchant marine, religious groups or welfare agencies attached to the armed forces, or citizens temporarily residing outside the U.S. territorial limits, and their spouses and

dependents. UOCAVA does not cover members of religious groups or welfare agencies attached to the armed forces unless they are serving overseas. In addition to the other categories of citizens listed in the Montana code, UOCAVA also includes “uniformed services” – the Coast Guard and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration. (See 42 U.S.C. 1973ff-1 and ff-6.)

We recommend that Montana review the language in the *Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA, 42 U.S.C. 1973ff et seq.)* and make appropriate amendments to the state election law provisions to include the Uniformed Services groups referenced above.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Montana’s Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible

or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Nebraska enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests. We recommend expanded use of this alternative to include electronic transmission of the unvoted ballot to the voters covered by UOCAVA, and accepting the voted ballot from these voters via electronic transmission. Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Seven states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Nebraska money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Nebraska's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Return of Voted Ballot by Close of Polls on Election Day

We are aware that North Carolina continues to require *UOCAVA* voters to return their voted ballot by 5:00 p.m. on the day before the election. This deadline, of course, is a day earlier than the deadline for voting if these citizens were voting in person. This could also present a problem for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend that North Carolina **accept voted ballots from all *UOCAVA* citizens until the close of polls on election day.** Only **five** states require the return of the voted ballot before election day.

Sample Language

Citizens covered by UOCAVA must return their voted ballot so the local board of elections receives it by the close of polls on election day.

State Write-In Absentee Ballot

We also recommend that North Carolina provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eight** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 ——— days before the election.*

Late Registration Procedures

We realize that North Carolina currently **allows persons recently separated from the Armed Forces to register and vote in person up to and including election day.** We recommend expanding this option to Uniformed Services family members and to citizens returning from overseas employment. Many of these citizens go through a transition period and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-five** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 16 of the North Dakota Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **North Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Ohio's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

We realize that Ohio enacted legislation to provide for electronic transmission of the FPCA for ballot request and electronic transmission of the blank ballot to voters in the Uniformed Services. We encourage expanded use of this alternative to all UOCAVA citizens to include electronic transmission of the Federal Post Card Application for registration, electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Sample Language

An applicant who is a member of the United States Uniformed Services, the merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expansion of Late Registration Procedures

We realize that Ohio allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may not know in which state they will live. Others may move to a new state and not meet the state's residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services by separation from the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Waiver of Registration for Citizens Covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

While we realize that registration is waived in Ohio for members of the U.S. Armed Forces and their family members, we encourage expansion of this provision to include all groups covered in the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* definitions. The following is an extract from the UOCAVA, 42 USC 1973ff-6. Section 107. Definitions:

“(1) "absent uniformed services voter" means --

- (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

- (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and
- (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote “

and

“(7) “uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration”.

The sample language below will accommodate this provision.

Sample Language

If you are a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act, your registration is waived and you may request an absentee ballot by submitting an FPCA so it is received by the county board of elections not later than 3 days before the election.

Not Earlier Than Restrictions

Ohio has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, for example, not earlier than January 1st of the year of the election, or not earlier than 90 days before the election, whichever is earlier, and not later than 3 days before the election. The “not earlier than” limitation causes a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters. We urge that the “**not earlier than**” **dates for ballot requests be eliminated**. Forty-nine states have already removed such requirements.

State Write-In Absentee Ballot

We also recommend Ohio provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations

and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Seven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Ohio's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

We realize that Ohio enacted legislation to provide for electronic transmission of the FPCA for ballot request and electronic transmission of the blank ballot to voters in the Uniformed Services. We encourage expanded use of this alternative to all UOCAVA citizens to include electronic transmission of the Federal Post Card Application for registration, electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Sample Language

An applicant who is a member of the United States Uniformed Services, the merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expansion of Late Registration Procedures

We realize that Ohio allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may not know in which state they will live. Others may move to a new state and not meet the state's residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services by separation from the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Waiver of Registration for Citizens Covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

While we realize that registration is waived in Ohio for members of the U.S. Armed Forces and their family members, we encourage expansion of this provision to include all groups covered in the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* definitions. The following is an extract from the UOCAVA, 42 USC 1973ff-6. Section 107. Definitions:

“(1) "absent uniformed services voter" means --

- (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

- (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and
- (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote “

and

“(7) “uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration”.

The sample language below will accommodate this provision.

Sample Language

If you are a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act, your registration is waived and you may request an absentee ballot by submitting an FPCA so it is received by the county board of elections not later than 3 days before the election.

State Write-In Absentee Ballot

We also recommend Ohio provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is repositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Seven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Use of One Federal Post Card Application (FPCA) for All Elections in a Calendar Year As a Simultaneous Request for Registration and An Absentee Ballot

Per the amendment to Section 104 of the *UOCAVA* under the *National Defense Appropriations Act of 2001*, you have notified your counties of the use of one FPCA for all elections in a calendar year. We need to also ensure that the use of the state Voter Registration Mail Application (VRMA) is no longer required for *UOCAVA* voters. Since the amendment to Section 102 of *UOCAVA* requires states to accept the FPCA as a voter registration application, it is our understanding that the Pennsylvania VRMA is no longer required for all *UOCAVA* voters. Further, the recently passed, Help America Vote Act provides for the use of a single application through the next two regularly scheduled general elections for Federal office. We urge you to include this provision in your statutes as soon as possible.

Return of Voted Ballot by Close of Polls on Election Day

We continue to note that Pennsylvania requires voters covered under the *Uniformed and Overseas Absentee Voting Act (UOCAVA)* to return their voted ballot by 5:00 p.m. on the Friday before the election. This deadline is earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Pennsylvania accept voted ballots from all *UOCAVA* citizens until the close of polls on election day. Only **five** other states require the return of the voted ballot before election day.

Late Registration Procedures

We recommend that **Pennsylvania allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-five** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of the *Federal Voting Assistance Act of 1955* and the *Overseas Citizens Voting Rights Act of 1975* into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in Pennsylvania's election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We request your support in developing the **acceptance of electronic transmission for all aspects of the process in all counties**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize that most Pennsylvania counties allow the electronic transmission of the FPCA for registration and ballot request and the electronic transmission of the blank and voted ballot. We encourage expanded use of this alternative to include all counties electronically accepting the FPCA for registration and ballot request, sending the blank ballot and receiving the voted ballot from all *UOCAVA* citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eight** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope

is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Nine** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that **Pennsylvania's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Puerto Rico election law requires that the FPCA and the ballot return envelope must be sworn to by a person authorized to administer oaths. Depending on the category of *UOCAVA* voter, the oath must be administered by a commissioned officer, the highest officer on board ship, an official in the school registrar's office, a notary public, or a consular officer. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states and territories have eliminated the notary requirement on all election materials.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Puerto Rico **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in Puerto Rico just prior to an election and this time frame does not meet Puerto Rico's normal residency requirements. Often, the date of discharge or termination of overseas employment and a commonwealth's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states and territories currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular commonwealth deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special State Write-In Absentee Ballot

We also recommend that Puerto Rico provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from Puerto Rico in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from Puerto Rico. They do not know in advance that they need the FWAB. If the regular absentee ballot from Puerto Rico does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, commonwealth, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. Puerto Rico will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner.

Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Seven states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the commonwealth for general election and Federal offices if:

- (1) the information submitted complied with the commonwealth's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate commonwealth election official not less than 30 days before the election.

The adoption of this initiative would save the commonwealth money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, commonwealth and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the commonwealth of Puerto Rico;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the*

request is submitted; and

(3) the request is received by the appropriate Puerto Rico election official not less than 30 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Commonwealth Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the commonwealth's election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. 33 states and territories now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although Puerto Rico currently allows requesting an absentee ballot electronically once registered, we encourage the use of this alternative to include the electronic transmission of the FPCA for registration, and electronically sending the unvoted ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Nine states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The Commonwealth Elections Commission may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the Commonwealth of Puerto Rico has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Puerto Rico's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Eleven states and territories have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this commonwealth, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the Commonwealth.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

Rhode Island military and overseas voters continue to have an extremely short period of time to receive, vote, and return their absentee ballots in order to be counted (21 days). While electronic transmission of election materials offers an alternative to inadequate ballot transit time, insufficient ballot transit time through the mail remains the primary obstacle to timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Rhode Island's **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirements

Currently South Dakota requires the ballot return envelope to be certified by a noncommissioned or commissioned officer if it is not possible to obtain a military postmark on or before election day. This requirement creates a burden for military members who may be assigned to a small military installation that may not have an officer available at all time. We recommend removal of the notary requirement for all absentee balloting materials. Forty-eight states have eliminated the notary requirement on all election materials to date.

Late Registration Procedures

We recommend that South Dakota **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **South Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration and ballot request, electronically sending the ballot to the voter and accepting the voted ballot from the voter, where circumstances would otherwise disenfranchise a citizen.

Below is suggested language allowing for electronic transmission to be used in these three steps of the absentee voting process.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend South Dakota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot

during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Late Registration Procedures

Even though Texas has enacted a 30-day registration deadline as a safeguard to prevent fraud, we still encourage Texas to **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late, e.g., up to the day of the election, or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election (within 30 days of the election). This time frame does not meet your state's current registration requirements. Further, the date of discharge or termination of overseas employment and the Texas registration requirement may combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-five** states currently have such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We realize that Texas provides a state special write-in absentee ballot to Uniformed Services members if they are unable to cast a ballot on election day or during the early voting period because of a military contingency. We recommend expansion of this state write-in absentee ballot to **provide a method for voting by other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We request your support in developing the **acceptance of electronic transmission for all aspects of the process**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize that Texas provides for the electronic transmission of the FPCA for registration and early voting ballots. Additionally, in 1997, Texas enacted legislation to allow the electronic transmission of the voted ballot by members of the U.S. Armed Forces on active duty overseas, or their family members, if the Armed Forces members are casting the ballot from an area where the members are eligible to receive hostile fire pay or imminent danger pay, or that has been designated by the President of the United States as a combat zone. We encourage expanded use of this alternative to include electronically sending the ballot to all Texas UOCAVA voters who request it, and accepting the voted ballot where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would

reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eight** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states, most recently West Virginia, have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that instead of the Texas Governor, Texas' **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Federal Voting Assistance Program is in closer contact with the Chief Election Official and could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Currently Utah requires the ballot return envelope to be certified by a noncommissioned or commissioned officer if it is not possible to obtain a military postmark on or before election day. This requirement creates a burden for military members who may be assigned to a small military installation that may not have an officer available at all time. We recommend **removal of the notary requirement for all absentee balloting materials.** Forty-eight states have eliminated the notary requirement on all election materials to date.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Utah's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard

and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Currently, acceptance of electronic transmission of election materials varies from county to county in Utah. Consideration should be given to more uniform use of modern technology in the absentee voting process. We encourage statewide adoption of procedures to allow for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot request, electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We realize Utah provides a Special Military Write-In Absentee Ballot if the citizen will be unable to vote by regular ballot. We recommend expanding use of this ballot to **provide a method for voting to other persons overseas who, due to special**

circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states have implemented state write-in absentee ballots for this purpose.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently nine states that have expanded the use of the FWAB and the 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in the general election. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner.

Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. On an *ad hoc* basis, during past primaries, several states and jurisdictions allowed the FWAB to be used for offices

other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Vermont military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states have provisions for the 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Vermont's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Eleven states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Use of One Federal Post Card Application (FPCA) for All Elections in a Calendar Year

We realize that Vermont allows the use of one FPCA to request ballots for both the primary and general elections in a calendar year. However, this is confusing for citizens desiring to vote in other elections, such as special elections. These citizens think that since they requested and received a ballot for the primary and general elections, they would automatically receive a ballot for other elections. Forty-eight states now **accept one absentee ballot request for all elections in a calendar year**. We recommend that this procedure be adopted.

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Removal of Notary Requirement

Current Vermont election law requires that the FPCA used to register must be notarized. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, many small military installations may have no commissioned officer assigned.

Alternatively, we recommend unregistered applicants be instructed to read the Freeman's Oath prior to signing the FPCA. Item 8e of the 1995 FPCA contains language where the applicant swears/affirms under penalty of perjury that he or she is "a U.S. citizen, eligible to vote in the above jurisdiction and subscribe to any required state/local oath or statement." This would eliminate the need to attach the oath to the FPCA. For the reasons stated above, we recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their

country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Vermont currently allows for electronic transmission of the FPCA for registration and ballot request and electronically sending the blank ballot to the voter. We encourage enacting legislation for acceptance of the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample legislation that will provide for this alternative.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Vermont **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-four states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Six other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

State Write-In Absentee Ballot

We also recommend Vermont provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from the State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now have state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. Thirty-two states have modified state election code to reference UOCAVA.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Vermont military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states have provisions for the 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Vermont's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Removal of Notary Requirement

Current Vermont election law requires that the FPCA used to register must be notarized. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, many small military installations may have no commissioned officer assigned.

Alternatively, we recommend unregistered applicants be instructed to read the Freeman's Oath prior to signing the FPCA. Item 8e of the 1995 FPCA contains language where the applicant swears/affirms under penalty of perjury that he or she is "a U.S. citizen, eligible to vote in the above jurisdiction and subscribe to any required state/local oath or statement." This would eliminate the need to attach the oath to the FPCA. For the reasons stated above, we recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Vermont currently allows for electronic transmission of the FPCA for registration and ballot request and electronically sending the blank ballot to the voter. We encourage enacting legislation for acceptance of the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample legislation that will provide for this alternative.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Vermont **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-five states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Seven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

State Write-In Absentee Ballot

We also recommend Vermont provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from the State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now have state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. Thirty-five states have modified state election code to reference UOCAVA.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Late Registration Procedure

The Virgin Islands currently allows members of the Armed Forces and merchant marine, discharged within 60 days of an election and who return to the Virgin Islands too late to register, to vote in the upcoming election. We recommend that the Virgin Islands expand the scope of this procedure and **allow Uniformed Services personnel (Coast Guard, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration), civilians recently separated from overseas employment, and the spouses and dependents of all these groups to be eligible for the same procedure.** These citizens also go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. Expanding the scope of your existing procedure would solve this problem. Fourteen states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Special Write-in Absentee Ballot

We also recommend the Virgin Islands provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows voting for Federal offices only. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Seven states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general election and Federal offices if:

- (1) the information submitted complies with the registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

- (3) the request is received by the appropriate election official not less than 30 days before the election.

The adoption of this initiative would save Virgin Islands money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with Virgin Islands registration requirements;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Eight states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Nine** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Virginia enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request. We encourage expanded use of this alternative to include electronically sending the blank ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An elections official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, Virginia law allows the Federal Write-In Absentee Ballot (FWAB) to be used in all elections and from inside or outside the United States. We recommend the FWAB transmission envelope be accepted as **a request for registration simultaneously with the submission of the completed FWAB**. This would simplify the process and improve transit time. It should be noted that the information requested on the FWAB transmission envelope, is the same as the information requested from the voter on the Federal Post Card Application (FPCA). This does not change the data required from your state for these citizens. The FWAB transmission envelope and FWAB could be simultaneously accepted as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-day Ballot Transit Time

The most persistent problem which continues to face Washington military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices.** This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-five states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedure

We recommend that **Washington allow persons recently separated from the Uniformed Services, the merchant marine or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting Washington's 15-day late registration deadline. We recommend that UOCAVA citizens be permitted to register up to the day of the next ensuing election when these circumstances arise. Twenty-five states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. 33 states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Commonwealth Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. Seven states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Washington money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Washington's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving *United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.*

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **West Virginia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **West Virginia's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, electronically sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend West Virginia provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

For those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information that is requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election.

The adoption of this initiative would save the territory money and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the territory;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election.*

State Write-In Absentee Ballot

We recommend that Wyoming provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. The FWAB allows voting for Federal offices only. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure near real-time delivery of election materials between the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time substantially.

We note that Wyoming permits absentee ballot requests to be made by telephone and email. We encourage the further use of electronic transmission to include electronically sending the Federal Post Card Application (FPCA) for registration and absentee ballot request, sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the merchant marine, or their family members, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Seven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wyoming's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

January 5, 2004

The Honorable W. Fox McKeithen
Secretary of State
300 State Capitol Drive
Baton Rouge, LA 70804-9125

Dear Secretary McKeithen:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Louisiana's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Louisiana legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Louisiana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Louisiana and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Louisiana currently has 26,603 citizens serving in the Armed Forces, over 19,952 voting age family members and more than 56,315 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$10,640,867.63 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Louisiana citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Louisiana's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Louisiana

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Louisiana implement, in whole or in part, the recommendations made for Louisiana under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Louisiana’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Louisiana

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Louisiana

PART 2: Has Louisiana initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Louisiana taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Dan Gwadosky
Secretary of State
148 State House Station
Augusta, ME 04333-0148

Dear Secretary Gwadosky:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Maine's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives, which the Maine legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Maine's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Maine and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Maine currently has 7,301 citizens serving in the Armed Forces, over 5,476 voting age family members and more than 16,090 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$6,395,480.17 in state income tax withheld from their pay in 2002. By continuing to work together to implement these seven initiatives, we can help ensure that Maine citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Maine's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Maine

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Maine implement, in whole or in part, the recommendations made for Maine under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Maine's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Maine

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Maine

PART 2: Has Maine initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Maine taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Linda H. Lamone
Administrator
State Administrative Board of Election Laws
P.O. Box 6486
Annapolis, MD 21401-0486

Dear Ms. Lamone:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Maryland's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Maryland legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Maryland's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Maryland and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Maryland currently has 23,358 citizens serving in the Armed Forces, over 17,519 voting age family members and more than 64,360 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$16,543,462.01 in state income tax withheld from their pay in 2002. By continuing to work together to implement these five initiatives, we can help ensure that Maryland citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Maryland's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Elaine Perna Tucker will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Maryland

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Maryland implement, in whole or in part, the recommendations made for Maryland under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Maryland's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Maryland

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Maryland

PART 2: Has Maryland initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Maryland taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable William Francis Galvin
Secretary of the Commonwealth
State House, Room 337
Boston, MA 02133

Dear Secretary Galvin:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Massachusetts's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Massachusetts legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Massachusetts's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Massachusetts and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Massachusetts currently has 13,938 citizens serving in the Armed Forces, over 10,454 voting age family members and more than 80,450 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$11,218,107.62 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Massachusetts citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Massachusetts's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Massachusetts

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Massachusetts implement, in whole or in part, the recommendations made for Massachusetts under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Massachusetts's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Massachusetts

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Massachusetts

PART 2: Has Massachusetts initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Massachusetts taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Terri L. Land
Secretary of State
Treasury Bldg., First Floor
430 W. Allegan Street
Lansing, MI 48918-9900

Dear Secretary Land:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Michigan's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives, which the Michigan legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Michigan's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or email to vote@fvap.ncr.gov.

After two decades of working cooperatively with Michigan and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Michigan currently has 53,666 citizens serving in the Armed Forces, over 40,250 voting age family members and more than 120,675 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$456.68 in state income tax withheld from their pay in 2002. By continuing to work together to implement these eight initiatives, we can help ensure that Michigan citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Michigan's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Elaine Perna Tucker will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Michigan

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Michigan implement, in whole or in part, the recommendations made for Michigan under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Michigan’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Michigan

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Michigan

PART 2: Has Michigan initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Michigan taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Mary Kiffmeyer
Secretary of State
180 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1299

Dear Secretary Kiffmeyer:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Minnesota's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives, which the Minnesota legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Minnesota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Minnesota and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Minnesota currently has 13,153 citizens serving in the Armed Forces, over 9,965 voting age family members and more than 64,360 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$8,806,562.24 in state income tax withheld from their pay in 2002. By continuing to work together to implement these seven initiatives, we can help ensure that Minnesota citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Minnesota's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Minnesota

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Minnesota implement, in whole or in part, the recommendations made for Minnesota under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Minnesota’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Minnesota

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Minnesota

PART 2: Has Minnesota initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Minnesota taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Eric Clark
Secretary of State
P.O. Box 136
Jackson, MS 39205-0136

Dear Secretary Clark:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Mississippi's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives, which the Mississippi legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Mississippi's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Mississippi and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Mississippi currently has 16,519 citizens serving in the Armed Forces, over 12,389 voting age family members and more than 32,180 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$8,368,549.44 in state income tax withheld from their pay in 2002. By continuing to work together to implement these eight initiatives, we can help ensure that Mississippi citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Mississippi's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Betty Collins will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Mississippi

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Mississippi implement, in whole or in part, the recommendations made for Mississippi under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Mississippi's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Mississippi

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Mississippi

PART 2: Has Mississippi initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Mississippi taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Matt Blunt
Secretary of State
P.O. Box 1767
Jefferson City, MO 65102

Dear Secretary Blunt:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Missouri's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Missouri legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Missouri's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Missouri and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Missouri currently has 30,090 citizens serving in the Armed Forces, over 22,568 voting age family members and more than 72,405 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$10,742,966.42 in state income tax withheld from their pay in 2002. By continuing to work together to implement these five initiatives, we can help ensure that Missouri citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Missouri's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. John Godley will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Missouri

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Missouri implement, in whole or in part, the recommendations made for Missouri under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Missouri's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Missouri

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

PART 2: Has Missouri initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Missouri taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Bob Brown
Secretary of State
State Capitol, Room 260
PO Box 202801
Helena, MT 59620-2801

Dear Secretary Brown:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Montana's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Montana legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Montana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Montana and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Montana currently has 11,216 citizens serving in the Armed Forces, over 8,412 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. By continuing to work together to implement these five initiatives, we can help ensure that Montana citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Montana's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Montana

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Montana implement, in whole or in part, the recommendations made for Montana under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Montana’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Montana

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Montana

PART 2: Has Montana initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Montana taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable John Gale
Secretary of State
State Capitol Suite 2300
P. O. Box 94608
Lincoln, NE 68509-4608

Dear Secretary Gale:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Nebraska's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives, which the Nebraska legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Nebraska's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Nebraska and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Nebraska currently has 8,154 citizens serving in the Armed Forces, over 6,116 voting age family members and more than 24,135 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$5,861,050.13 in state income tax withheld from their pay in 2002. By continuing to work together to implement these four initiatives, we can help ensure that Nebraska citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Nebraska's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Nebraska

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Nebraska implement, in whole or in part, the recommendations made for Nebraska under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Nebraska’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Nebraska

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

PART 2: Has Nebraska initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Nebraska taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Dean Heller
Secretary of State
Capitol Complex
Carson City, NV 89710

Dear Secretary Heller:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Nevada's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Nevada legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Nevada's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Nevada and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Nevada currently has 18,231 citizens serving in the Armed Forces, over 13,673 voting age family members and more than 24,135 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. By continuing to work together to implement these six initiatives, we can help ensure that Nevada citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Nevada's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. John Godley will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Nevada

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Nevada implement, in whole or in part, the recommendations made for Nevada under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Nevada’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Nevada

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Nevada

PART 2: Has Nevada initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Nevada taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable William M. Gardner
Secretary of State
State House, Room 204
Concord, NH 03301

Dear Secretary Gardner:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing New Hampshire's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the New Hampshire legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for New Hampshire's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with New Hampshire and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, New Hampshire currently has 10,889 citizens serving in the Armed Forces, over 8,167 voting age family members and more than 16,090 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. By continuing to work together to implement these six initiatives, we can help ensure that New Hampshire citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in New Hampshire's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. John Godley will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF New Hampshire

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did New Hampshire implement, in whole or in part, the recommendations made for New Hampshire under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to New Hampshire’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

New Hampshire

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

New Hampshire

PART 2: Has New Hampshire initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is New Hampshire taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Peter C. Harvey
Attorney General
Hughes Justice Complex
P.O. Box 304
Trenton, NJ 08625-0300

Dear Attorney General Harvey:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing New Jersey's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the New Jersey legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for New Jersey's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with New Jersey and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, New Jersey currently has 31,475 citizens serving in the Armed Forces, over 23,606 voting age family members and more than 104,585 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$4,992,859.12 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that New Jersey citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in New Jersey's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Brian Griffiths will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF New Jersey

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did New Jersey implement, in whole or in part, the recommendations made for New Jersey under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to New Jersey’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

PART 2: Has New Jersey initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is New Jersey taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Rebecca Vigil-Giron
Secretary of State
State Capitol, Room 420
Santa Fe, NM 87503

Dear Secretary Vigil-Giron:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing New Mexico's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives, which the New Mexico legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for New Mexico's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with New Mexico and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, New Mexico currently has 11,914 citizens serving in the Armed Forces, over 8,936 voting age family members and more than 24,135 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$7,454,399.18 in state income tax withheld from their pay in 2002. By continuing to work together to implement these four initiatives, we can help ensure that New Mexico citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in New Mexico's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Brian Griffiths will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF New Mexico

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did New Mexico implement, in whole or in part, the recommendations made for New Mexico under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to New Mexico’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

New Mexico

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

New Mexico

PART 2: Has New Mexico initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is New Mexico taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Thomas R. Wilkey
Executive Director, State Board of Elections
40 Steuben Street
Albany, NY 12207-2109

Dear Mr. Wilkey:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing New York's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives, which the New York legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for New York's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with New York and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, New York currently has 83,874 citizens serving in the Armed Forces, over 62,906 voting age family members and more than 233,305 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$21,777,790.22 in state income tax withheld from their pay in 2002. By continuing to work together to implement these seven initiatives, we can help ensure that New York citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in New York's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Elaine Perna Tucker will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF New York

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did New York implement, in whole or in part, the recommendations made for New York under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to New York's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

New York

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

New York

PART 2: Has New York initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is New York taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Gary O. Bartlett
Executive Director
P.O. Box 27255
Raleigh, NC 27611-7255

Dear Mr. Bartlett:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing North Carolina's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the North Carolina legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for North Carolina's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with North Carolina and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, North Carolina currently has 36,579 citizens serving in the Armed Forces, over 27,434 voting age family members and more than 104,585 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$35,940,097.13 in state income tax withheld from their pay in 2002. By continuing to work together to implement these five initiatives, we can help ensure that North Carolina citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in North Carolina's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Elaine Perna Tucker will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF North Carolina

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did North Carolina implement, in whole or in part, the recommendations made for North Carolina under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to North Carolina’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

North Carolina

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

North Carolina

PART 2: Has North Carolina initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is North Carolina taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Alvin Jaeger
Secretary of State
State Capitol, 1st Floor Dept 108
600 East Boulevard Ave.
Bismarck, ND 58505-0500

Dear Secretary Jaeger:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing North Dakota's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives, which the North Dakota legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for North Dakota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with North Dakota and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, North Dakota currently has 4,308 citizens serving in the Armed Forces, over 3,231 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$1,815,142.20 in state income tax withheld from their pay in 2002. By continuing to work together to implement these four initiatives, we can help ensure that North Dakota citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in North Dakota's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Betty Collins will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF North Dakota

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did North Dakota implement, in whole or in part, the recommendations made for North Dakota under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to North Dakota’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

North Dakota

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

PART 2: Has North Dakota initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is North Dakota taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable J. Kenneth Blackwell
Secretary of State
180 E. Broad Street
16th Floor
Columbus, OH 43215

Dear Secretary Blackwell:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Ohio's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives, which the Ohio legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Ohio's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Ohio and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Ohio currently has 50,445 citizens serving in the Armed Forces, over 37,834 voting age family members and more than 144,810 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$26,864,272.78 in state income tax withheld from their pay in 2002. By continuing to work together to implement these seven initiatives, we can help ensure that Ohio citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Ohio's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Ohio

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Ohio implement, in whole or in part, the recommendations made for Ohio under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Ohio's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superceded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superceded by the Help America Vote Act of 2002, section 706.

Ohio

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Ohio

PART 2: Has Ohio initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Ohio taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Glo Henley
Chairperson
State Election Board
P.O. Box 53156
Oklahoma City, OK 73152

Dear Ms. Henley:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Oklahoma's existing election code and procedures to include possible changes due to recent federal legislation, I have identified two initiatives, which the Oklahoma legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Oklahoma's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Oklahoma and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Oklahoma currently has 18,672 citizens serving in the Armed Forces, over 14,004 voting age family members and more than 40,225 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$14,217,872.57 in state income tax withheld from their pay in 2002. By continuing to work together to implement these two initiatives, we can help ensure that Oklahoma citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Oklahoma's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Brian Griffiths will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Oklahoma

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Oklahoma implement, in whole or in part, the recommendations made for Oklahoma under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Oklahoma’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Oklahoma

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Oklahoma

PART 2: Has Oklahoma initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Oklahoma taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Bill Bradbury
Secretary of State
136 State Capitol Building
Salem, OR 97310-0722

Dear Secretary Bradbury:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Oregon's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Oregon legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Oregon's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Oregon and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Oregon currently has 23,082 citizens serving in the Armed Forces, over 17,312 voting age family members and more than 40,225 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$10,882,321.66 in state income tax withheld from their pay in 2002. By continuing to work together to implement these five initiatives, we can help ensure that Oregon citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Oregon's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. John Godley will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Oregon

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Oregon implement, in whole or in part, the recommendations made for Oregon under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Oregon's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Oregon

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Oregon

PART 2: Has Oregon initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Oregon taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Pedro Cortes
Secretary of the Commonwealth
302 North Office Building
Harrisburg, PA 17120-0029

Dear Secretary Cortes:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Pennsylvania's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Pennsylvania legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Pennsylvania's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Pennsylvania and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Pennsylvania currently has 71,961 citizens serving in the Armed Forces, over 53,971 voting age family members and more than 152,855 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$10,377,290.84 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Pennsylvania citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Pennsylvania's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Elaine Perna Tucker will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Pennsylvania

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Pennsylvania implement, in whole or in part, the recommendations made for Pennsylvania under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Pennsylvania’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Pennsylvania

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Pennsylvania

PART 2: Has Pennsylvania initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Pennsylvania taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Matt Brown
Secretary of State
217 State House
Providence, RI 02903

Dear Secretary Brown:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Rhode Island's existing election code and procedures to include possible changes due to recent federal legislation, I have identified two initiatives, which the Rhode Island legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Rhode Island's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Rhode Island and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Rhode Island currently has 3,542 citizens serving in the Armed Forces, over 2,657 voting age family members and more than 16,090 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$2,476,138.16 in state income tax withheld from their pay in 2002. By continuing to work together to implement these two initiatives, we can help ensure that Rhode Island citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Rhode Island's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Elaine Perna Tucker will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Rhode Island

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Rhode Island implement, in whole or in part, the recommendations made for Rhode Island under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Rhode Island’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

PART 2: Has Rhode Island initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Rhode Island taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Marci Andino
Executive Director
State Election Commission
2221 Devine Street
Columbia, SC 29205-5987

Dear Ms. Andino:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing South Carolina's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives, which the South Carolina legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for South Carolina's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with South Carolina and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, South Carolina currently has 24,264 citizens serving in the Armed Forces, over 18,198 voting age family members and more than 48,270 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$23,294,109.06 in state income tax withheld from their pay in 2002. By continuing to work together to implement these three initiatives, we can help ensure that South Carolina citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in South Carolina's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Brian Griffiths will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF South Carolina

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did South Carolina implement, in whole or in part, the recommendations made for South Carolina under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to South Carolina’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

South Carolina

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

South Carolina

PART 2: Has South Carolina initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is South Carolina taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Chris Nelson
Secretary of State
State Capitol Bldg., Suite 204
500 E Capitol
Pierre, SD 57501-5070

Dear Secretary Nelson:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing South Dakota's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives, which the South Dakota legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for South Dakota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with South Dakota and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, South Dakota currently has 10,628 citizens serving in the Armed Forces, over 7,971 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. By continuing to work together to implement these seven initiatives, we can help ensure that South Dakota citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in South Dakota's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Betty Collins will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF South Dakota

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did South Dakota implement, in whole or in part, the recommendations made for South Dakota under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to South Dakota's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

South Dakota

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

South Dakota

PART 2: Has South Dakota initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is South Dakota taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Riley C. Darnell
Secretary of State
312 Eighth Avenue North
6th Floor, William R. Snodgrass Tower
Nashville, TN 37243

Dear Secretary Darnell:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Tennessee's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Tennessee legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Tennessee's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Tennessee and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Tennessee currently has 49,633 citizens serving in the Armed Forces, over 37,225 voting age family members and more than 72,405 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$33.70 in state income tax withheld from their pay in 2002. By continuing to work together to implement these five initiatives, we can help ensure that Tennessee citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Tennessee's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. John Godley will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Tennessee

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Tennessee implement, in whole or in part, the recommendations made for Tennessee under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Tennessee’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Tennessee

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Tennessee

PART 2: Has Tennessee initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Tennessee taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Geoffrey S. Connor
Secretary of State
P.O. Box 12887
Austin, TX 78711-2887

Dear Secretary Connor:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Texas's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Texas legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Texas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Texas and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Texas currently has 254,560 citizens serving in the Armed Forces, over 190,920 voting age family members and more than 257,440 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$3,073.75 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Texas citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Texas's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Elaine Perna Tucker will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Texas

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Texas implement, in whole or in part, the recommendations made for Texas under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Texas's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Texas

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Texas

PART 2: Has Texas initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Texas taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Olene S. Walker
Office of the Lieutenant Governor
203 State Capitol
Salt Lake City, UT 84114-0601

Dear Lieutenant Governor Walker:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Utah's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Utah legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Utah's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Utah and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Utah currently has 6,984 citizens serving in the Armed Forces, over 5,238 voting age family members and more than 24,135 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$5,958,180.86 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Utah citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Utah's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Betty Collins will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Utah

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Utah implement, in whole or in part, the recommendations made for Utah under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Utah's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Utah

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Utah

PART 2: Has Utah initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Utah taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Deborah Markowitz
Secretary of State
26 Terrace Street, Drawer 9
Montpelier, VT 05609-1101

Dear Secretary Markowitz:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Vermont's existing election code and procedures to include possible changes due to recent federal legislation, I have identified nine initiatives, which the Vermont legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Vermont's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Vermont and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Vermont currently has 3,873 citizens serving in the Armed Forces, over 2,905 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$1,042,264.33 in state income tax withheld from their pay in 2002. By continuing to work together to implement these nine initiatives, we can help ensure that Vermont citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Vermont's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Vermont

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Vermont implement, in whole or in part, the recommendations made for Vermont under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Vermont’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Vermont

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Vermont

PART 2: Has Vermont initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Vermont taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Jean Jensen
Secretary, State Board of Elections
200 N. 9th St., Ste. 101
Richmond, VA 23219-3497

Dear Secretary Jensen:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Virginia's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives, which the Virginia legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Virginia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Virginia and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Virginia currently has 43,295 citizens serving in the Armed Forces, over 32,471 voting age family members and more than 88,495 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$37,045,229.46 in state income tax withheld from their pay in 2002. By continuing to work together to implement these three initiatives, we can help ensure that Virginia citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Virginia's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Elaine Perna Tucker will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Virginia

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Virginia implement, in whole or in part, the recommendations made for Virginia under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Virginia’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Virginia

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Virginia

PART 2: Has Virginia initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Virginia taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Sam Reed
Secretary of State
Legislative Building, 2nd Floor
P.O. Box 40220
Olympia, WA 98504-0220

Dear Secretary Reed:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Washington's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Washington legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Washington's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Washington and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Washington currently has 57,100 citizens serving in the Armed Forces, over 42,825 voting age family members and more than 72,405 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$463.80 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Washington citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Washington's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Washington

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Washington implement, in whole or in part, the recommendations made for Washington under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Washington's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Washington

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Washington

PART 2: Has Washington initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Washington taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Joe Manchin III
Secretary of State
Building 1, Suite 157K
1900 Kanawha Boulevard E
Charleston, WV 25305-0770

Dear Secretary Manchin:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing West Virginia's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the West Virginia legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for West Virginia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with West Virginia and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, West Virginia currently has 14,290 citizens serving in the Armed Forces, over 10,718 voting age family members and more than 24,135 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. By continuing to work together to implement these five initiatives, we can help ensure that West Virginia citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in West Virginia's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Betty Collins will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF West Virginia

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did West Virginia implement, in whole or in part, the recommendations made for West Virginia under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to West Virginia's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

West Virginia

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

West Virginia

PART 2: Has West Virginia initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is West Virginia taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Kevin J. Kennedy
Executive Director
P.O. Box 2973
Madison, WI 53701-2973

Dear Mr. Kennedy:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Wisconsin's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Wisconsin legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Wisconsin's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Wisconsin and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Wisconsin currently has 16,652 citizens serving in the Armed Forces, over 12,489 voting age family members and more than 64,360 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$13,568,828.60 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Wisconsin citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Wisconsin's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. John Godley will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Wisconsin

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Wisconsin implement, in whole or in part, the recommendations made for Wisconsin under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Wisconsin's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Wisconsin

PART 2: Has Wisconsin initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Wisconsin taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Joseph B. Meyer
Secretary of State
State Capitol Building
Room 106
Cheyenne, WY 82002-0020

Dear Secretary Meyer:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Wyoming's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Wyoming legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Wyoming's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Wyoming and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Wyoming currently has 7,684 citizens serving in the Armed Forces, over 5,763 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. By continuing to work together to implement these five initiatives, we can help ensure that Wyoming citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Wyoming's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Wyoming

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Wyoming implement, in whole or in part, the recommendations made for Wyoming under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Wyoming's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Wyoming

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Wyoming

PART 2: Has Wyoming initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Wyoming taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Soliai T. Fuimaono
Chief Election Officer
PO Box 3970
Pago Pago, AS 96799-3970

Dear Mr. Fuimaono:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing American Samoa's existing election code and procedures to include possible changes due to recent federal legislation, I have identified initiatives, which the American Samoa legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for American Samoa's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with American Samoa and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, American Samoa currently has citizens serving in the Armed Forces, over voting age family members and more than citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$ in state income tax withheld from their pay in 2002. By continuing to work together to implement these initiatives, we can help ensure that American Samoa citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in American Samoa's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF American Samoa

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did American Samoa implement, in whole or in part, the recommendations made for American Samoa under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to American Samoa's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

American Samoa

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

American Samoa

PART 2: Has American Samoa initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is American Samoa taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Beverly Rivers
Secretary of the District of Columbia
441 Fourth Street, NW, Suite 1130
Washington, DC 20001

Dear Secretary Rivers:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Washington, D.C.'s existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Washington, D.C. legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Washington, D.C.'s citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Washington, D.C. and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Washington, D.C. currently has 1,424 citizens serving in the Armed Forces, over 1,068 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$1,376,406.32 in state income tax withheld from their pay in 2002. By continuing to work together to implement these five initiatives, we can help ensure that Washington, D.C. citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Washington, D.C.'s legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Elaine Perna Tucker will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Washington, D.C.

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Washington, D.C. implement, in whole or in part, the recommendations made for Washington, D.C. under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Washington, D.C.'s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superceded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superceded by the Help America Vote Act of 2002, section 706.

Washington, D.C.

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Washington, D.C.

PART 2: Has Washington, D.C. initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Washington, D.C. taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Kaleo Moylan
Office of the Lieutenant Governor
P. O. Box 2950
Agana, GU 96932

Dear Lieutenant Governor Moylan:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Guam's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives, which the Guam legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Guam's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Guam and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Guam currently has 222 citizens serving in the Armed Forces, over 167 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. By continuing to work together to implement these eight initiatives, we can help ensure that Guam citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Guam's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Betty Collins will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Guam

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Guam implement, in whole or in part, the recommendations made for Guam under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Guam’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Guam

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Guam

PART 2: Has Guam initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Guam taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Aurelio Gracias Morales
President
State Elections Commission
P.O. Box 195552
San Juan, PR 00919-5552

Dear Mr. Morales:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Puerto Rico's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives, which the Puerto Rico legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Puerto Rico's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Puerto Rico and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Puerto Rico currently has 7,891 citizens serving in the Armed Forces, over 5,918 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$4,654,724.20 in state income tax withheld from their pay in 2002. By continuing to work together to implement these eight initiatives, we can help ensure that Puerto Rico citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Puerto Rico's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Puerto Rico

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Puerto Rico implement, in whole or in part, the recommendations made for Puerto Rico under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Puerto Rico’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Puerto Rico

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Puerto Rico

PART 2: Has Puerto Rico initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Puerto Rico taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Vargrave A Richards
Office of the Lieutenant Governor
Charlotte Amalie
St. Thomas, VI 00802

Dear Lieutenant Governor Richards:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Virgin Islands's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives, which the Virgin Islands legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Virgin Islands's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Virgin Islands and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Virgin Islands currently has 74 citizens serving in the Armed Forces, over 53 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. By continuing to work together to implement these four initiatives, we can help ensure that Virgin Islands citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Virgin Islands's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Virgin Islands

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Virgin Islands implement, in whole or in part, the recommendations made for Virgin Islands under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Virgin Islands’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Virgin Islands

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Virgin Islands

PART 2: Has Virgin Islands initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Virgin Islands taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Nancy L. Worley
Secretary of State
Alabama State Capitol, Room S-105
600 Dexter Avenue
Montgomery, AL 36103

Dear Secretary Worley:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Alabama's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Alabama legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Alabama's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Alabama and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Alabama currently has 25,839 citizens serving in the Armed Forces, over 19,379 voting age family members and more than 56,315 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$15,585,887.02 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Alabama citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Alabama's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Alabama

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Alabama implement, in whole or in part, the recommendations made for Alabama under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Alabama's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Alabama

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Alabama

PART 2: Has Alabama initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Alabama taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Loren Leman
Office of the Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Dear Lieutenant Governor Leman:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Alaska's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Alaska legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Alaska's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Alaska and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Alaska currently has 37,332 citizens serving in the Armed Forces, over 27,999 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. By continuing to work together to implement these five initiatives, we can help ensure that Alaska citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Alaska's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Alaska

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Alaska implement, in whole or in part, the recommendations made for Alaska under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Alaska's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Alaska

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Alaska

PART 2: Has Alaska initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Alaska taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Jan Brewer
Secretary of State
State Capitol, West Wing, 7th Floor
1700 W. Washington
Phoenix, AZ 85007-2808

Dear Secretary Brewer:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Arizona's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Arizona legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Arizona's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Arizona and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Arizona currently has 24,176 citizens serving in the Armed Forces, over 18,132 voting age family members and more than 64360 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$8,979,425.14 in state income tax withheld from their pay in 2002. By continuing to work together to implement these five initiatives, we can help ensure that Arizona citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Arizona's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Betty Collins will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Arizona

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Arizona implement, in whole or in part, the recommendations made for Arizona under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Arizona’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Arizona

PART 2: Has Arizona initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Arizona taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Charlie Daniels
Secretary of State
256 State Capitol Building
Little Rock, AR 72201

Dear Secretary Daniels:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Arkansas's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives, which the Arkansas legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Arkansas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Arkansas and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Arkansas currently has 14,350 citizens serving in the Armed Forces, over 10,793 voting age family members and more than 32,180 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$7,907,348.16 in state income tax withheld from their pay in 2002. By continuing to work together to implement these eight initiatives, we can help ensure that Arkansas citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Arkansas's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Arkansas

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Arkansas implement, in whole or in part, the recommendations made for Arkansas under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Arkansas’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Arkansas

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Arkansas

PART 2: Has Arkansas initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Arkansas taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Kevin Shelley
Secretary of State
1500 11th Street
Sacramento, CA 95814-2974

Dear Secretary Shelley:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing California's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives, which the California legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for California's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with California and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, California currently has 161,901 citizens serving in the Armed Forces, over 121,426 voting age family members and more than 426,385 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$35,163,847.12 in state income tax withheld from their pay in 2002. By continuing to work together to implement these four initiatives, we can help ensure that California citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in California's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF California

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did California implement, in whole or in part, the recommendations made for California under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to California's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

California

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

California

PART 2: Has California initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is California taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Donetta Davidson
Secretary of State
1560 Broadway, Suite 200
Denver, CO 80202

Dear Secretary Davidson:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Colorado's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Colorado legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Colorado's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Colorado and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Colorado currently has 20,233 citizens serving in the Armed Forces, over 15,175 voting age family members and more than 56,315 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$13,097,460.37 in state income tax withheld from their pay in 2002. By continuing to work together to implement these five initiatives, we can help ensure that Colorado citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Colorado's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. John Godley will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Colorado

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Colorado implement, in whole or in part, the recommendations made for Colorado under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Colorado's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Colorado

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Colorado

PART 2: Has Colorado initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Colorado taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Susan Bysiewicz
Secretary of State
State Capitol, Room 104
210 Capitol Avenue
Hartford, CT 06106

Dear Secretary Bysiewicz:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Connecticut's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives, which the Connecticut legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Connecticut's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Connecticut and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Connecticut currently has 12,116 citizens serving in the Armed Forces, over 9,085 voting age family members and more than 40,225 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$4,132,021.94 in state income tax withheld from their pay in 2002. By continuing to work together to implement these seven initiatives, we can help ensure that Connecticut citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Connecticut's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Brian Griffiths will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Connecticut

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Connecticut implement, in whole or in part, the recommendations made for Connecticut under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Connecticut’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Connecticut

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Connecticut

PART 2: Has Connecticut initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Connecticut taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Mr. Frank Calio
Commissioner of Elections
32 West Loockerman Street Suite M101
Dover, DE 19904

Dear Mr. Calio:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Delaware's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Delaware legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Delaware's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Delaware and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Delaware currently has 3,845 citizens serving in the Armed Forces, over 2,884 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$2,474,216.69 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Delaware citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Delaware's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Betty Collins will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Delaware

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Delaware implement, in whole or in part, the recommendations made for Delaware under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Delaware’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Delaware

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Delaware

PART 2: Has Delaware initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Delaware taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Glenda E. Hood
Secretary of State
Collins Building
107 West Gaines St.
Tallahassee, FL 32399-0250

Dear Secretary Hood:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Florida's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives, which the Florida legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Florida's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Florida and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Florida currently has 229,162 citizens serving in the Armed Forces, over 171,872 voting age family members and more than 201,125 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$586.13 in state income tax withheld from their pay in 2002. By continuing to work together to implement these four initiatives, we can help ensure that Florida citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Florida's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Brian Griffiths will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Florida

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Florida implement, in whole or in part, the recommendations made for Florida under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Florida’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Florida

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Florida

PART 2: Has Florida initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Florida taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Cathy Cox
Secretary of State
State Capitol, Room 214
Atlanta, GA 30334

Dear Secretary Cox:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Georgia's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives, which the Georgia legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Georgia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Georgia and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Georgia currently has 40,158 citizens serving in the Armed Forces, over 30,119 voting age family members and more than 104,585 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$28,940,850.59 in state income tax withheld from their pay in 2002. By continuing to work together to implement these four initiatives, we can help ensure that Georgia citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Georgia's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Brian Griffiths will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Georgia

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Georgia implement, in whole or in part, the recommendations made for Georgia under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Georgia's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Georgia

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Georgia

PART 2: Has Georgia initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Georgia taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Dwayne Yoshina
Chief Election Officer
Office of Elections
802 Lehua Avenue
Pearl City, HI 96782

Dear Mr. Yoshina:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Hawaii's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives, which the Hawaii legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Hawaii's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Hawaii and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Hawaii currently has 5,994 citizens serving in the Armed Forces, over 4,496 voting age family members and more than 16,090 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$6,289,801.05 in state income tax withheld from their pay in 2002. By continuing to work together to implement these four initiatives, we can help ensure that Hawaii citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Hawaii's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Hawaii

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Hawaii implement, in whole or in part, the recommendations made for Hawaii under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Hawaii's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Hawaii

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Hawaii

PART 2: Has Hawaii initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Hawaii taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Ben Ysura
Secretary of State
P.O. Box 83720
Boise, ID 83720-0080

Dear Secretary Ysura:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Idaho's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Idaho legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Idaho's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Idaho and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Idaho currently has 10,479 citizens serving in the Armed Forces, over 7,859 voting age family members and more than 16,090 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$3,687,652.13 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Idaho citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Idaho's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Brian Griffiths will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Idaho

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Idaho implement, in whole or in part, the recommendations made for Idaho under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Idaho's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Idaho

PART 2: Has Idaho initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Idaho taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Daniel White
Executive Director
State Board of Elections
1020 S Spring Street
Springfield, IL 62704

Dear Mr. White:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Illinois's existing election code and procedures to include possible changes due to recent federal legislation, I have identified nine initiatives, which the Illinois legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Illinois's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Illinois and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Illinois currently has 69,387 citizens serving in the Armed Forces, over 52,040 voting age family members and more than 152,855 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$1,533.92 in state income tax withheld from their pay in 2002. By continuing to work together to implement these nine initiatives, we can help ensure that Illinois citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Illinois's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Illinois

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Illinois implement, in whole or in part, the recommendations made for Illinois under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Illinois's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Illinois

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Illinois

PART 2: Has Illinois initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Illinois taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Todd Rokita
Secretary of State
State House, Room 201
Indianapolis, IN 46204

Dear Secretary Rokita:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Indiana's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives, which the Indiana legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Indiana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Indiana and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Indiana currently has 21,568 citizens serving in the Armed Forces, over 16,176 voting age family members and more than 72,405 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$12,067,035.11 in state income tax withheld from their pay in 2002. By continuing to work together to implement these three initiatives, we can help ensure that Indiana citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Indiana's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. John Godley will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Indiana

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Indiana implement, in whole or in part, the recommendations made for Indiana under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Indiana’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Indiana

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Indiana

PART 2: Has Indiana initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Indiana taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Chet Culver
Secretary of State
Lucas Building, 1st Floor
321 E 12th St
Des Moines, IA 50319

Dear Secretary Culver:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Iowa's existing election code and procedures to include possible changes due to recent federal legislation, I have identified two initiatives, which the Iowa legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Iowa's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Iowa and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Iowa currently has 10,686 citizens serving in the Armed Forces, over 8,015 voting age family members and more than 40,225 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$8,754,868.97 in state income tax withheld from their pay in 2002. By continuing to work together to implement these two initiatives, we can help ensure that Iowa citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Iowa's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Iowa

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Iowa implement, in whole or in part, the recommendations made for Iowa under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Iowa's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Iowa

PART 2: Has Iowa initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Iowa taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Ron Thornburgh
Secretary of State
Memorial Hall
120 SW 10th 1st Floor
Topeka, KS 66612-1594

Dear Secretary Thornburgh:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Kansas's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives, which the Kansas legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Kansas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Kansas and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Kansas currently has 11,436 citizens serving in the Armed Forces, over 8,577 voting age family members and more than 32,180 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$7,342,837.06 in state income tax withheld from their pay in 2002. By continuing to work together to implement these four initiatives, we can help ensure that Kansas citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Kansas's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Kansas

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Kansas implement, in whole or in part, the recommendations made for Kansas under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Kansas's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Kansas

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Kansas

PART 2: Has Kansas initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Kansas taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable John Y. Brown, III
Secretary of State
State Capitol, Room 150
700 Capitol Avenue
Frankfort, KY 40601-3493

Dear Secretary Brown:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Kentucky's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives, which the Kentucky legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Kentucky's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Kentucky and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Kentucky currently has 13,520 citizens serving in the Armed Forces, over 10,140 voting age family members and more than 48,270 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$10,720,072.99 in state income tax withheld from their pay in 2002. By continuing to work together to implement these seven initiatives, we can help ensure that Kentucky citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Kentucky's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Betty Collins will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Kentucky

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Kentucky implement, in whole or in part, the recommendations made for Kentucky under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Kentucky's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superceded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superceded by the Help America Vote Act of 2002, section 706.

Kentucky

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Kentucky

PART 2: Has Kentucky initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Kentucky taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

July 31, 2012

«INADDRESS»
«INTITLE»
«ADDRESS2»
«ADDRESS3»
«CITY», «ST» «ZIP»

Dear «SALUTATION»:

As we prepare for the 2004 elections, I am writing each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. After reviewing «STATE»'s existing election code and procedures to include possible changes due to recent federal legislation, I have identified «DISTRICT» initiatives, which the «STATE» legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for «STATE»'s citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The NDAA FY02 (Section 1606) requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year. The HAVA (Section 706) requires the FPCA to be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a temporary reporting requirement that takes effect with dissemination of the attached 2002 legislative initiatives and will continue through 2004.

In order to facilitate this requirement I suggest the following:

1. The state insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter.
4. Use the enclosed suggested report format to respond to the above requirements electronically.

After more than a decade of working cooperatively with <<STATE>> and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, «STATE» currently has «PHONE» citizens serving in the Armed Forces, over «OFFICE» voting age family members and more than «SEAT» citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$«NUM» in state income tax withheld from their pay in 2001. By continuing to work together to implement these «DISTRICT» initiatives, we can help ensure that «STATE» citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in «STATE»'s legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. «ADDRESS1» will contact «HOMESTATE» soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Soft copy suggested report format
- (2) Hard copy legislative initiatives

Late Registration Procedure

We recommend that Alabama **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Alabama's use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. **Twelve** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot. **Forty-nine** states allow electronic transmission of at least part of the absentee voting process.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Special State Write-In Absentee Ballot

We also recommend Alabama provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame**. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Alabama money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alabama's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fourteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that Alaska **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-six** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American

membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** states have legislatively expanded the use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Alaska money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alaska's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fourteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We**

recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Notary Requirement

Current American Samoa election law requires that the FPCA must be sworn to by a person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S. or the Territories

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a citizen outside the Territory who has never lived in the Territory has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that American Samoa's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that American Samoa **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend American Samoa provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from American Samoa in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in

advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. Presently, there are nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow the chief election officer more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that American Samoa allows the electronic transmission of the FPCA for registration and absentee ballot request. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The chief election officer may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information that is requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election.

The adoption of this initiative would save the territory money and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the territory;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election.*

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face American Samoa military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arizona military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Arizona **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arizona's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership.

By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arkansas military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Arkansas allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Arkansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would

reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the State money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Arkansas enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and that registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballots.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 7-5-406 of the Arkansas Election Laws refers to the Overseas Citizens Voting Rights Act of 1975. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the *Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arkansas's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face California military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the

information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Twelve states have passed legislation allowing these citizens to claim the legal

residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that California's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Colorado military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Colorado **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission of election materials has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Colorado has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions

allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Connecticut military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize that Connecticut provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-two states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Connecticut enacted legislation to provide for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. However, voters using the FPCA to register are required to simultaneously mail the original, which must arrive by 5:00 p.m. on the day before the election for the ballot to be counted. The electronic transmission methodology is there to ensure the FPCA is received by the state's deadline. If the electronically transmitted FPCA for registration is not recognized until the mail version is received then the availability of electronic transmission is of no benefit to the voter. We realize the original FPCA should be mailed in all cases regardless, however we urge an extension to the acceptance deadline for the original FPCA when the voter has utilized the electronically transmitted option.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We realize that Connecticut law allows recently discharged members of the military returning to the state too late to register during the regular registration period to register to vote up until 5:00 p.m. on the last weekday before an election. We recommend that **Connecticut allow persons recently separated from overseas employment, and their family members, to be able to register late or be exempt from registration.** Many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet the normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem.

Sample Language

A person who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Connecticut extend the availability of the state write-in absentee ballot to non-Uniformed Services overseas electors. The purpose of the state write-in absentee ballot is to **provide a method for voting by persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Use of the Federal Write-In Absentee Ballot (FWAB)

The state of Connecticut is exempt from use of the Federal Write-In Absentee Ballot (FWAB) by Section 103 (f) in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These statements exempt states that make ballots available to military voters at least 90 days before the general election and as soon as the candidate list is available for other UOCAVA citizens.

The intent of the Federal Write-In Absentee Ballot (FWAB) is to aid the enfranchisement of U.S. citizens overseas wishing to vote for Federal Offices in general elections who make timely application for, but do not receive an absentee ballot.

The intent of the current Connecticut Special Write-In Absentee Ballot is to assist members of the military and their family members who are not able to follow the regular absentee ballot application procedure.

The Connecticut Special Write-In Absentee Ballot does not accommodate citizens who request a state absentee ballot in a timely manner and do not receive it in time to vote and return it to meet the state's ballot deadline. The FWABs, which are prepositioned at military installations and U.S. Embassies and Consulates worldwide fulfill this purpose for all overseas U.S. citizens except those whose legal residence is Connecticut.

We recommend that **Connecticut allow overseas UOCAVA citizens who have requested a state absentee ballot in a timely manner and not received it in time to vote and return it to meet the state's ballot deadline be allowed to use the Federal Write-In Absentee Ballot.**

Sample Language

The Federal Write-In Absentee Ballot (FWAB) will be accepted from overseas voters who make timely application for, and do not receive a regular absentee ballot. The following rules shall apply with respect to the FWAB:

(1) In completing the ballot, the overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of the political party (in which case the ballots shall be counted for the candidate of that political party).

(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of the political party shall be counted as a vote for the electors supporting the candidate involved.

(3) Any abbreviation, misspelling, or other minor variation in the spelling of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent.

We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Connecticut's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that the District of Columbia **allow persons recently separated from the Uniformed Services or overseas employment and their family members to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in the District of Columbia just prior to an election. This time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and registration requirements combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend that the District of Columbia provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal timeframe.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter

must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize the District of Columbia allows electronic transmission of the FPCA for registration and absentee ballot request and permits faxing of the absentee ballot when military service prevents the voter from receiving and returning the voted ballot. However, we encourage you to expand the use of this alternative to include electronic transmission of the blank and voted ballots for all military and overseas citizens, electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate these alternatives.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eight** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously**

with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general elections and Federal offices if:

- (1) the information submitted complies with the District's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election.

The adoption of this initiative would save money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter resides outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the jurisdiction;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in the U.S., they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Nine** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be**

allowed to vote in elections for Federal offices where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We recommend that Florida provide a state write-in absentee ballot for **all elections**. We commend you for passing legislation that allowed for a state write-in ballot for general elections. However, we request that you expand this to all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame for all elections**. Thus, a voter would know that they could exercise their right to vote for all Florida elections, not just one. We encourage you to include this in your next legislative package.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently in Florida, the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Although Florida passed legislation allowing the electronic transmission of the blank ballot and receipt of the voted ballot by overseas U.S. citizens, we encourage you to expand the use of this alternative. We request that Florida allow election officials to electronically send the blank ballot and accept the voted ballot electronically from military voters **in the U.S.**, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate this alternative.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Georgia's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Georgia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not

disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Georgia enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and the registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card

Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Hawaii military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Hawaii allow persons recently separated from the Uniformed Services, the merchant marine, or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Although Hawaii Revised Statute Section 15-3 states "...any former registered voter of Hawaii may vote an absentee ballot in any presidential election occurring within twenty-four months after leaving Hawaii...", This statute does not cover members of the Uniformed Services, the merchant marine, or citizens employed overseas, and family members that have been away for over 24 months. Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. A special late registration procedure for these circumstances would solve this problem. **Twenty-six** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state

deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. While Hawaii offers electronic transmission of election materials, the fact remains that by **expanding the use of the FWAB to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Hawaii money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he

or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Special State Write-In Absentee Ballot

We also recommend Hawaii provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under the *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Idaho's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country whom may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Idaho allows for the electronic transmission of the Federal Post Card Application (FPCA) for absentee ballot request. We recommend expanded use of this alternative to include electronic transmission of the FPCA request for registration as well as electronic transmission of the blank ballot to the voter and acceptance of the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Idaho **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Idaho provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the State in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the State. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received,

voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Notary Requirement

Current Illinois election law requires that in order to vote a full ballot, the state affidavit of registration from unregistered Illinois residents temporarily outside the U.S. must be sworn to before a person or officer authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials. Forty-eight** states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

Illinois currently allows members of the Armed Forces or merchant marine, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Illinois expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's 30-day residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Application for Ballot by Proxy to Overseas Citizens

Currently, Illinois allows spouses, and other family members, to use a special application provided by the local election official to request that an absentee ballot be mailed to members of the Uniformed Services. **We recommend this option be expanded to allow spouses and other family members of overseas civilian citizens to request an absentee ballot be mailed to them.**

Sample Language

If a spouse, dependent, mother, father, sister or brother of a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is registered to vote in the same county as that citizen, he or she may request that an absentee ballot be mailed to that voter by completing a special application provided by the local election official.

Special State Write-In Absentee Ballot

We also recommend Illinois provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Illinois enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for ballot requests by members of the Armed Forces. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. **Twelve** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk official

may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 10 of the Illinois Election Laws makes no reference to Federal law. In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which the Federal Voting Assistance Program administers. **Reference to the UOCAVA in the state election code** would help election officials and interested citizens find guidance to applicable federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. 33 states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** states have legislatively expanded use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend

the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Illinois money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Illinois' **State Board of Elections/Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The State Board of Elections/Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission or fax. As an example, in light of the surge of Guard and Reserve forces being deployed, the State Board of Elections/Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The State Board of Elections/Chief Election Official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The State Board of Elections/Chief Election Official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the State Board of Elections/Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The State Board of Elections/Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Indiana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Indiana provides 45-day transit time for General and Primary elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens**

be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Iowa enacted legislation to provide for electronic transmission of the Federal Post Card Application request for registration and an absentee ballot. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. The following sample language would allow for these procedures.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We understand Iowa currently allows discharged military personnel to register late. **We encourage expanding this option to their family members and overseas citizens who may go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election.** Often, the date of discharge or termination of overseas employment and a state's registration

requirement combine to disenfranchise a citizen returning home after active duty or employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kansas' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Kansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and

Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and runoff elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-Day Ballot Transit Time

The most persistent problem, which continues to face Louisiana military and overseas voters, is the extremely short period of time these voters have to receive, vote, and return their absentee ballots **for non-Presidential elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states currently have a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Louisiana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Uniformed Services, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Louisiana allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Louisiana provide a state write-in absentee ballot for all elections, *not only the Presidential election.* The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Massachusetts military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Massachusetts provides 45-day transit time for Primary elections. However, expanding this provision to all elections would help ensure enfranchisement. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Special State Write-In Absentee Ballot

We also recommend Massachusetts provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. We realize Massachusetts provides a special write-in absentee ballot if the local election official does not have the regular state ballot available for mailing. However, expanding this provision by making this ballot available upon request by UOCAVA citizens and expanding its use for all elections would help ensure enfranchisement. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military

installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Massachusetts' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fourteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe,

by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-six** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Massachusetts has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA). We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot via electronic transmission from these voters where circumstances would otherwise disenfranchise them. **Twelve** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for local, state and Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Massachusetts money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

January 5, 2004

The Honorable William Francis Galvin
Secretary of the Commonwealth
State House, Room 337
Boston, MA 02133

Dear Secretary Galvin:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Massachusetts's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Massachusetts legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Massachusetts's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Massachusetts and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Massachusetts currently has 13,938 citizens serving in the Armed Forces, over 10,454 voting age family members and more than 80,450 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$11,218,107.62 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Massachusetts citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Massachusetts's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Massachusetts

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Massachusetts implement, in whole or in part, the recommendations made for Massachusetts under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Massachusetts's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Massachusetts

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Massachusetts

PART 2: Has Massachusetts initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Massachusetts taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

Late Registration Procedures

We recommend that Maine **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Maine has enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) request for registration and ballot. We recommend expanded use of this alternative to include electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and

FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face Maine military and overseas voters is the short period of time these voters have to receive, vote, and return their absentee ballots for **non-Federal elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time

through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. However, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Maine's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting

Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Although the Maryland General Assembly deleted the late registration provision from Maryland law, we never-the-less encourage you to recommend that Maryland reinstate procedures **to allow persons recently separated from the Uniformed Services and their family members to be able to register late (or be exempt from registration)**. Previously, honorably discharged military personnel and their spouses and dependents could still vote absentee if a Federal Post Card Application arrived not later than 8 p.m. on election day. Additionally, we recommend that Maryland expand this procedure **to allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**.

Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states now allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

Although Maryland provides ample time for transit of ballots under normal circumstances, especially with late counting, we continue to recommend that Maryland provide a state write-in absentee ballot for all elections as a means to vote in case there are delays in mailing and returning absentee ballots. Again, the main purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official. Also a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Maryland has done an exceptional job passing legislation on behalf of *UOCAVA* voters regarding electronic transmission of election materials. However, we request your consideration again to make further changes in Maryland law/administrative procedures that would include the faxing of the voted ballot for all *UOCAVA* absentee voters and of the FPCA for registration purposes. We realize that Maryland allows faxing of the FPCA for an absentee ballot request and now the unvoted ballot and that Maryland law prohibits electronic facsimile if the document requires a signed affidavit. However, we encourage expansion of this alternative to include electronic transmission of the FPCA

for registration (since we instruct voters to submit the original, signed FPCA after faxing and the FPCA form is a simultaneous request for registration and request for absentee ballot) and acceptance of the voted ballot electronically from the voter (signature already on file) where circumstances would otherwise disenfranchise a citizen. The sample language below accommodates these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local board of elections may receive FPCAs for registration, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

We appreciate the action taken by the Maryland State Board of Elections to allow overseas voters to cast votes for state and local offices in primary and special Federal elections using the Federal Write-In Absentee Ballot (FWAB). Since this ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership, many overseas citizens have access to it and would not be disenfranchised because their regular ballots were not received in a timely manner.

In addition, however, for those citizens that desire to vote in elections for Federal office only, we request the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB**. This would further simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for elections for Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*. To address your concerns about lack of control over the process, the citizen must provide a valid Maryland residence address and sign the FPCA attesting that he/she is a U.S. citizen and is not voting in any other jurisdiction.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Massachusetts military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Massachusetts provides 45-day transit time for Primary elections. However, expanding this provision to all elections would help ensure enfranchisement. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Special State Write-In Absentee Ballot

We also recommend Massachusetts provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. We realize Massachusetts provides a special write-in absentee ballot if the local election official does not have the regular state ballot available for mailing. However, expanding this provision by making this ballot available upon request by UOCAVA citizens and expanding its use for all elections would help ensure enfranchisement. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military

installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Massachusetts' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fourteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe,

by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-six** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Massachusetts has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA). We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot via electronic transmission from these voters where circumstances would otherwise disenfranchise them. **Twelve** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for local, state and Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Massachusetts money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Use of One Federal Post Card Application (FPCA) for ALL Elections in a Calendar Year

Congress modified the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* in December 2001 to require the States, effective immediately, to accept a single FPCA, that is received 30 days or more before an election, as a simultaneous voter registration and absentee ballot application for all elections for Federal offices held in the State during that calendar year. FVAP reminds you of this requirement and recommends extension of this provision to include all State and local elections for which the citizen is eligible to vote. We recommend that the following procedure be adopted:

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Notary Requirement

Current Michigan election law requires that the FPCA used to register and request absentee ballots or to request absentee ballots only, must be sworn to before an official authorized to administer oaths if the requesters are Michigan residents temporarily residing outside the U.S. and unaffiliated with the U.S. Federal Government, or overseas citizens. This notary requirement has created continuing problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We strongly recommend action this legislative year to **remove the notary requirement for all absentee balloting materials or not require notarization after initial registration notary is provided**. To this end, we support HB 5086, which is currently under consideration in your legislature. Please contact us to provide testimony for, or to write letters in support of, this legislation. **Forty-eight** states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

"Not Earlier Than" Restrictions

We also note that Michigan has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, i.e., not earlier than 75 days before the election and not later than the Saturday before the election. The "not earlier than" limitation has also caused a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their

~~applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters.~~

~~We appreciate the fact that you have provided an administrative instruction to hold applications that arrive earlier than 75 days before the election. However, we urge that the “not earlier than” dates for ballot requests be eliminated completely by legislation. Further, we recommend a part in the statutes be established for Federal absentee voters separate from regular absentee voters. Your laws now address each class of voter the same way even though there are quite different circumstances between a regular absentee voter who will not be present at the polls on election day due to vacation, hospitalization, etc. and a Federal absentee voter who requires more time to request an absentee ballot. Forty-nine states have already removed such requirements.~~

Late Registration Procedures

We recommend that Michigan **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state’s normal residency requirements. Often, the date of discharge or termination of overseas employment and a state’s registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for **all elections.** The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state

does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Michigan Election Law refers to the *Federal Voting Assistance Act of 1955* and the *Overseas Citizens Voting Rights Act of 1975*. In 1986, Congress updated and consolidated the provisions of the *1955 Act* and the *Overseas Citizens Voting Rights Act of 1975* into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the blank ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Minnesota military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as State Department personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Minnesota **allow persons recently separated from the Uniformed Services or overseas employment and their family members to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Notary Requirement

We realize notarization of the FPCA and the ballot return envelope is not necessary if a voter provides his/her military ID number or passport number. However, if a voter overlooks this requirement or if he or she is unable to obtain notarial services, he or she may be disenfranchised. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

State Write-In Absentee Ballot

We also recommend Minnesota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame**. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states beyond Federal law that have expanded the use of the FWAB and the 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Minnesota has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided

in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Minnesota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Missouri election law requires that the state registration card used to register permanently must be witnessed by a notary public or other officer authorized by law to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Missouri Election Laws do not refer to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Missouri enacted legislation where some Missouri counties may allow citizens to send the FPCA via electronic transmission when requesting an absentee ballot. We encourage expanded use of this alternative to include electronic transmission of the FPCA, on a regular, statewide basis, for ballot request and registration, electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter

on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a Uniformed Service member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Montana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Special State Write-in Absentee Ballot

We also recommend that Montana provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from their voting jurisdiction. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows

voting for Federal offices only. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Bring Montana Election Code into Conformance with the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In our recent update to the Voting Assistance Guide it came to our attention that there is a discrepancy in the definition of eligible citizens between the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* and the Montana Election Code. Section 13-2-211 of the Montana code defines an “elector in the United States service” as members of the armed forces, merchant marine, religious groups or welfare agencies attached to the armed forces, or citizens temporarily residing outside the U.S. territorial limits, and their spouses and dependents. UOCAVA does not cover members of religious groups or welfare agencies attached to the armed forces unless they are serving overseas. In addition to the other categories of citizens listed in the Montana code, UOCAVA also includes “uniformed services” – the Coast Guard and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration. (See 42 U.S.C. 1973ff-1 and ff-6.)

We recommend that Montana review the language in the *Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA, 42 U.S.C. 1973ff et seq.)* and make appropriate amendments to the state election law provisions to include the Uniformed Services groups referenced above.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Montana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fourteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Nebraska enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests. We recommend expanded use of this alternative to include electronic transmission of the unvoted ballot to the voters covered by UOCAVA, and accepting the voted ballot from these voters via electronic transmission. **Twelve** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than

Federal offices. **Nine** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Nebraska money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Nebraska's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fourteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Nevada currently allows members of the Armed Forces, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Nevada expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the termination date of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home from employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised due to time and location constraints, by allowing them to cast a ballot when they would not otherwise have been able to vote.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process to include electronic transmission of the FPCA for registration by all citizens voting under the Uniformed and Overseas Citizens Absentee Voting Act, electronically sending the ballot to these citizens and accepting the voted ballot from these citizens where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Nevada provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Nevada's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special

procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.
The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New Hampshire military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, electronically sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Hampshire's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We realize that **New Jersey allows persons recently separated from the Uniformed Services and their family members as well as civilians attached to or serving with the Uniformed Services to register late and obtain an emergency voting form.** We recommend this option be expanded to civilian citizens returning to New Jersey after overseas employment. Many of these citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that New Jersey enacted legislation to provide for the electronic transmission of the FPCA for ballot request, the electronic receipt of the blank ballot by the voter, and accepting an overseas ballot by electronic means. We encourage expanded use of this alternative to accept electronic transmission of the FPCA for registration purposes and to include electronically accepting the voted ballot from the Uniformed Services voter who is out of the state, but not necessarily overseas, on election day where these circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, or a family member, and is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend New Jersey provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,** citizens

would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or merchant marine, or a family member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Jersey's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that New Mexico **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend New Mexico provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from

the state in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the

Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New York military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. This is why it is necessary to allow a minimum of 45 days transit time for absentee ballots.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **New York allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that New York provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of the *Federal Voting Assistance Act of 1955* and the *Overseas Citizens Voting Rights Act of 1975* into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the New York election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the New York Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints. Currently, forty-nine states allow electronic transmission of election materials.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We enlist your support once again this year in developing the **acceptance of electronic transmission for all parts of the process**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider using modern technology in the absentee voting process. We encourage the use of this alternative to include the **electronic transmission of the FPCA for registration and ballot request, the blank ballot to the voter, and the voted ballot from the voter** where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A county board of elections official may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely

manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*

- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that New York's **Chief Election Official (CEO) have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The CEO and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Return of Voted Ballot by Close of Polls on Election Day

North Carolina continues to require *UOCAVA* voters to return their voted ballot by 5:00 p.m. on the day before the election. This deadline, of course, is a day earlier than the deadline for voting if these citizens were voting in person. This could also present a problem for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. For this reason we recommend that North Carolina **accept voted ballots from all *UOCAVA* citizens until the close of polls on election day.** Only **four** other states require the return of the voted ballot before election day.

Sample Language

Citizens covered by UOCAVA must return their voted ballot so the local board of elections receives it by the close of polls on election day.

State Write-In Absentee Ballot

We also recommend that North Carolina provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in

absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 ——— days before the election.*

Late Registration Procedures

We realize that North Carolina currently **allows persons recently separated from the Armed Forces to register and vote in person up to and including election day.** We recommend expanding this option to Uniformed Services family members and to citizens returning from overseas employment. Many of these citizens go through a transition period and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Ohio's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

We realize that Ohio enacted legislation to provide for electronic transmission of the FPCA for ballot request and electronic transmission of the blank ballot to voters in the Uniformed Services. We encourage expanded use of this alternative to all UOCAVA citizens to include electronic transmission of the Federal Post Card Application for registration, electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Sample Language

An applicant who is a member of the United States Uniformed Services, the merchant marine, a family member, or is a qualified elector living outside the United States, may apply for

registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expansion of Late Registration Procedures

We realize that Ohio allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may not know in which state they will live. Others may move to a new state and not meet the state's residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services by separation from the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Waiver of Registration for Citizens Covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

While we realize that registration is waived in Ohio for members of the U.S. Armed Forces and their family members, we encourage expansion of this provision to include all groups covered in

the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* definitions. The following is an extract from the UOCAVA, 42 USC 1973ff-6. Section 107. Definitions:

“(1) "absent uniformed services voter" means --

- (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;
- (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and
- (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote

and

“(7) “uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration”.

The sample language below will accommodate this provision.

Sample Language

If you are a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act, your registration is waived and you may request an absentee ballot by submitting an FPCA so it is received by the county board of elections not later than 3 days before the election.

State Write-In Absentee Ballot

We also recommend Ohio provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas

organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oklahoma military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to the timely delivery of absentee ballots for those who request them. For Oklahoma, our *2004-2005 Voting Assistance Guide* states that local election officials mail out ballots approximately 30 days before an election. Yet, due to Oklahoma's late primary, if there is a run-off election, ballots could be sent out significantly less than 30 days before an election. Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-two** other states have increased their ballot transit times to greater than 30 days.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although we realize that Oklahoma enacted legislation to provide for the electronic transmission of the FPCA ballot request, and for the electronic transmission of the blank

ballot and acceptance of the voted ballot under certain limited circumstances, we encourage expanded use of this alternative to include the use of electronic transmission of the blank ballot and acceptance of the voted ballot on a regular basis, as an alternative method, not merely during certain limited circumstances.

Sample Language

An elections official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oregon military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Oregon provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expansion of Late Registration Procedures

We realize that Oregon allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services or the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Oregon has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request and electronic transmission of the blank ballot. We encourage expanded use of this alternative to include acceptance of the voted ballot from the voter by electronic transmission where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send a blank ballot to a voter and accept voted ballots via electronic transmission from eligible electors.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law. In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the**

submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Oregon's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Return of Voted Ballot by Close of Polls on Election Day

Pennsylvania continues to require voters covered under the *Uniformed and Overseas Absentee Voting Act (UOCAVA)* to return their voted ballot by 5:00 p.m. on the Friday before the election. This deadline is earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. For this reason we recommend that Pennsylvania accept voted ballots from all *UOCAVA* citizens until the close of polls on election day. Only **four** other states require the return of the voted ballot before election day.

Late Registration Procedures

We recommend that **Pennsylvania allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We request your support in developing the **acceptance of electronic transmission of absentee ballots in Pennsylvania.** With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize that Pennsylvania allows the submission of the Federal Post Card Application for registration and absentee ballot request. However, Pennsylvania now only allows the electronic transmission of the blank ballot

if a person in a designated hostile fire, imminent danger pay, combat zone or qualified hazardous duty area. Further, there is no faxing of the voted ballot in your state. We strongly encourage expanded use of this alternative to include the transmission of the blank ballot by fax to all *UOCAVA* voters and the acceptance of the voted ballot from all *UOCAVA* citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that **Pennsylvania's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces,

or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Puerto Rico election law requires that the FPCA and the ballot return envelope must be sworn to by a person authorized to administer oaths. Depending on the category of *UOCAVA* voter, the oath must be administered by a commissioned officer, the highest officer on board ship, an official in the school registrar's office, a notary public, or a consular officer. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. **Forty-eight** states and territories have eliminated the notary requirement on all election materials.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that **Puerto Rico allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in Puerto Rico just prior to an election and this time frame does not meet Puerto Rico's normal residency requirements. Often, the date of discharge or termination of overseas employment and a commonwealth's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states and territories currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular commonwealth deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special State Write-In Absentee Ballot

We also recommend that Puerto Rico provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from Puerto Rico in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from Puerto Rico. They do not know in advance that they need the FWAB. If the regular absentee ballot from Puerto Rico does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, commonwealth, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. Puerto Rico will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner.

Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the commonwealth for general election and Federal offices if:

- (1) the information submitted complied with the commonwealth's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate commonwealth election official not less than 30 days before the election.

The adoption of this initiative would save the commonwealth money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, commonwealth and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the commonwealth of Puerto Rico;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate Puerto Rico election official not less than 30 days before the election.*

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Commonwealth Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the commonwealth's election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. **Thirty-six** states and territories now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although Puerto Rico currently allows requesting an absentee ballot electronically once registered, we encourage the use of this alternative to include the electronic transmission of the FPCA for registration, and electronically sending the unvoted ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. **Twelve** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The Commonwealth Elections Commission may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the Commonwealth of Puerto Rico has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Puerto Rico's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fourteen** states and territories have passed legislation giving

the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this commonwealth, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the Commonwealth.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

Despite the alternative of mailing the official state blank ballot 45 days before an election if the official ballot is not yet available, Rhode Island military and overseas voters continue to have an extremely short period of time to receive, vote, and return their absentee ballots in order to be counted (21 days) in the regular absentee ballot delivery process. While electronic transmission of election materials offers an alternative to speed ballot transit time, inadequate ballot transit time through the mail remains the primary obstacle to timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Rhode Island's **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

We note that Governor Carcieri recently signed into law legislation naming the Secretary of State the Chief State Election Official in Rhode Island and that your Legislative Implementation Report for 2003 anticipated that in the 2004 session of the General Assembly, the Rhode Island General Laws would be amended to include the provision for emergency authority for the chief election official. If we can help in this effort, please let us know.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency

orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to use of modern technology in the absentee voting process. We realize South Carolina has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request and for the electronic transmission of the blank ballot and acceptance of the voted ballot in emergency situations only. We encourage expanded use of this alternative to include the use of electronic transmission of the blank ballot and acceptance of the voted ballot on a regular basis, as an alternative method, not merely during emergencies.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Late Registration Procedures

We recommend that Tennessee **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Tennessee enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronic transmission of the FPCA for registration, electronically sending the blank ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample language allowing for these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Use of FWAB as state special write-in by all UOCAVA citizens:

A citizen voting under the UOCAVA who, due to military or other contingencies that preclude normal mail delivery who will be unable to vote by regular absentee ballot, may use a Federal Write-In Absentee Ballot to vote in Federal elections for Federal office for the candidate of his or her choice.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Tennessee's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting

Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

Section 2-6-112 of the Tennessee Election Law refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Late Registration Procedures

Even though Texas has enacted a 30-day registration deadline as a safeguard to prevent fraud, we still encourage Texas to **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late, e.g., up to the day of the election, or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election (within 30 days of the election). This time frame does not meet your state's current registration requirements.

Further, the date of discharge or termination of overseas employment and the Texas registration requirement may combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently have such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We realize that Texas provides a state special write-in absentee ballot to Uniformed Services members if they are unable to cast a ballot on election day or during the early voting period because of a military contingency. We recommend expansion of this state write-in absentee ballot to **provide a method for voting by other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Thus, we request your support **to develop acceptance in Texas for the electronic transmission of the blank and voted ballots to all UOCAVA voters**. With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of this modern technology in the absentee voting process. We realize that Texas provides for the electronic transmission of the FPCA for registration and early voting ballots. Additionally, in 1997, Texas enacted legislation to allow the electronic transmission of the voted ballot by members of the U.S. Armed Forces on active duty overseas, or their family members, if the Armed Forces members are casting the ballot from an area where the members are eligible to receive hostile fire pay or imminent danger pay, or that has been designated by the President of the United States as a combat zone. However, we continue to encourage expanded use of this alternative to include electronically sending the blank ballot to all Texas UOCAVA voters who request it and accepting the voted ballot where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

We recognize that Texas recently passed a law that expanded the use of the Federal Write-In Absentee Ballot (FWAB) to any special, primary or runoff election for Federal offices. In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve ballot transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB

transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that instead of the Texas Governor, Texas' **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Federal Voting Assistance Program is in closer contact with the Chief Election Official and could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Vermont military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states have provisions for the 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Vermont's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Removal of Notary Requirement

Current Vermont election law requires that the FPCA used to register must be notarized. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid **\$90** to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, many small military installations may have no commissioned officer assigned.

Alternatively, we recommend unregistered applicants be instructed to read the Freeman's Oath prior to signing the FPCA. Item 8e of the 1995 FPCA contains language where the applicant swears/affirms under penalty of perjury that he or she is "a U.S. citizen, eligible to vote in the above jurisdiction and subscribe to any required state/local oath or statement." This would eliminate the need to attach the oath to the FPCA. For the reasons stated above, we recommend **removal of the notary requirement for all absentee balloting materials**. Forty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Vermont currently allows for electronic transmission of the FPCA for registration and ballot request and electronically sending the blank ballot to the voter. We encourage enacting legislation for acceptance of the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample legislation that will provide for this alternative.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Vermont **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

State Write-In Absentee Ballot

We also recommend Vermont provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from the State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now have state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. Thirty-six states have modified state election code to reference UOCAVA.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Late Registration Procedure

The Virgin Islands currently allows members of the Armed Forces and merchant marine, discharged within 60 days of an election and who return to the Virgin Islands too late to register, to vote in the upcoming election. We recommend that the Virgin Islands expand the scope of this procedure and **allow Uniformed Services personnel (Coast Guard, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration), civilians recently separated from overseas employment, and the spouses and dependents of all these groups to be eligible for the same procedure.** These citizens also go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. Expanding the scope of your existing procedure would solve this problem. **Fifteen** states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Special Write-in Absentee Ballot

We also recommend the Virgin Islands provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows voting for Federal offices only. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general election and Federal offices if:

- (1) the information submitted complies with the registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

- (3) the request is received by the appropriate election official not less than 30 days before the election.

The adoption of this initiative would save Virgin Islands money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with Virgin Islands registration requirements;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Twelve** states have already passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of this modern technology in the absentee voting process. We realize Virginia has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request. We also note that Virginia has conducted pilot projects with the transmission of blank ballots by electronic mail. We continue to support your electronic voting projects and encourage expanded use of this alternative to include sending the blank ballot to the voter and accepting the voted ballot from the voter by facimile where circumstances would otherwise disenfranchise a citizen. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply

for and vote by absentee ballot. An election official may send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, Virginia law allows the Federal Write-In Absentee Ballot (FWAB) to be used in all elections and from inside or outside the United States. However, we continue to recommend that the FWAB transmission envelope be accepted as **a request for registration simultaneously with the submission of the completed FWAB**. We realize that the legislation has been passed providing that the FWAB can be used to serve as an application for an absentee ballot and the absentee ballot itself for Federal offices provided it was received by the Registrar by the normal deadline for receipt of mailed absentee ballot application (5 days prior to the election). Consideration should be given to simplify the registration and request for absentee ballot request process and improve ballot transit time through the use of the FWAB. It should be noted that the information requested on the FWAB transmission envelope, is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). This does not change the data required from your state for these citizens. The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-day Ballot Transit Time

The most persistent problem which continues to face Washington military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices.** This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedure

We recommend that **Washington allow persons recently separated from the Uniformed Services, the merchant marine or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting Washington's 15-day late registration deadline. We recommend that UOCAVA citizens be permitted to register up to the day of the next ensuing election when these circumstances arise. **Twenty-six** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-six** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the state Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Washington money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Washington's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fourteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving *United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.*

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Wisconsin military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Although Wisconsin local election officials mail absentee ballots 30 days before the general and 21 days before the primary elections, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Notary Requirement

Current Wisconsin election law requires that, for military voters, the certificate-affidavit on the ballot return envelope must be sworn to by a person authorized to administer oaths or witnessed by two adult U.S. citizens. Additionally, for overseas citizens who are required to register, the FPCA must be witnessed by any person authorized to administer oaths or one adult U.S. citizen. We recommend **removal of the notary and witness requirements for all absentee balloting materials**. Forty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Wisconsin **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Wisconsin enacted legislation to provide for the electronic transmission of the FPCA for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wisconsin's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

State Write-In Absentee Ballot

We recommend that Wyoming provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. The FWAB allows voting for Federal offices only. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure near real-time delivery of election materials between the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time substantially.

We note that Wyoming permits absentee ballot requests to be made by telephone and email. We encourage the further use of electronic transmission to include electronically sending the Federal Post Card Application (FPCA) for registration and absentee ballot request, sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the merchant marine, or their family members, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wyoming's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

January 5, 2004

The Honorable W. Fox McKeithen
Secretary of State
300 State Capitol Drive
Baton Rouge, LA 70804-9125

Dear Secretary McKeithen:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Louisiana's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Louisiana legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Louisiana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Louisiana and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Louisiana currently has 26,603 citizens serving in the Armed Forces, over 19,952 voting age family members and more than 56,315 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$10,640,867.63 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Louisiana citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Louisiana's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Louisiana

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Louisiana implement, in whole or in part, the recommendations made for Louisiana under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Louisiana’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superceded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superceded by the Help America Vote Act of 2002, section 706.

Louisiana

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

PART 2: Has Louisiana initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Louisiana taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Dan Gwadosky
Secretary of State
148 State House Station
Augusta, ME 04333-0148

Dear Secretary Gwadosky:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Maine's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives, which the Maine legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Maine's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Maine and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Maine currently has 7,301 citizens serving in the Armed Forces, over 5,476 voting age family members and more than 16,090 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$6,395,480.17 in state income tax withheld from their pay in 2002. By continuing to work together to implement these seven initiatives, we can help ensure that Maine citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Maine's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Maine

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Maine implement, in whole or in part, the recommendations made for Maine under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Maine's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Maine

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Maine

PART 2: Has Maine initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Maine taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Linda H. Lamone
Administrator
State Administrative Board of Election Laws
P.O. Box 6486
Annapolis, MD 21401-0486

Dear Ms. Lamone:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Maryland's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Maryland legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Maryland's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Maryland and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Maryland currently has 23,358 citizens serving in the Armed Forces, over 17,519 voting age family members and more than 64,360 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$16,543,462.01 in state income tax withheld from their pay in 2002. By continuing to work together to implement these five initiatives, we can help ensure that Maryland citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Maryland's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Elaine Perna Tucker will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Maryland

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Maryland implement, in whole or in part, the recommendations made for Maryland under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Maryland's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Maryland

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Maryland

PART 2: Has Maryland initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Maryland taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable William Francis Galvin
Secretary of the Commonwealth
State House, Room 337
Boston, MA 02133

Dear Secretary Galvin:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Massachusetts's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Massachusetts legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Massachusetts's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Massachusetts and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Massachusetts currently has 13,938 citizens serving in the Armed Forces, over 10,454 voting age family members and more than 80,450 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$11,218,107.62 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Massachusetts citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Massachusetts's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Massachusetts

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Massachusetts implement, in whole or in part, the recommendations made for Massachusetts under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Massachusetts's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Massachusetts

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Massachusetts

PART 2: Has Massachusetts initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Massachusetts taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Terri L. Land
Secretary of State
Treasury Bldg., First Floor
430 W. Allegan Street
Lansing, MI 48918-9900

Dear Secretary Land:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Michigan's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives, which the Michigan legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Michigan's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or email to vote@fvap.ncr.gov.

After two decades of working cooperatively with Michigan and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Michigan currently has 53,666 citizens serving in the Armed Forces, over 40,250 voting age family members and more than 120,675 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$456.68 in state income tax withheld from their pay in 2002. By continuing to work together to implement these eight initiatives, we can help ensure that Michigan citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Michigan's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Elaine Perna Tucker will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Michigan

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Michigan implement, in whole or in part, the recommendations made for Michigan under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Michigan’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Michigan

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Michigan

PART 2: Has Michigan initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Michigan taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Mary Kiffmeyer
Secretary of State
180 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1299

Dear Secretary Kiffmeyer:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Minnesota's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives, which the Minnesota legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Minnesota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Minnesota and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Minnesota currently has 13,153 citizens serving in the Armed Forces, over 9,965 voting age family members and more than 64,360 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$8,806,562.24 in state income tax withheld from their pay in 2002. By continuing to work together to implement these seven initiatives, we can help ensure that Minnesota citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Minnesota's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Minnesota

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Minnesota implement, in whole or in part, the recommendations made for Minnesota under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Minnesota’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Minnesota

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Minnesota

PART 2: Has Minnesota initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Minnesota taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Eric Clark
Secretary of State
P.O. Box 136
Jackson, MS 39205-0136

Dear Secretary Clark:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Mississippi's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives, which the Mississippi legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Mississippi's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Mississippi and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Mississippi currently has 16,519 citizens serving in the Armed Forces, over 12,389 voting age family members and more than 32,180 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$8,368,549.44 in state income tax withheld from their pay in 2002. By continuing to work together to implement these eight initiatives, we can help ensure that Mississippi citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Mississippi's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Betty Collins will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Mississippi

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Mississippi implement, in whole or in part, the recommendations made for Mississippi under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Mississippi's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Mississippi

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Mississippi

PART 2: Has Mississippi initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Mississippi taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Matt Blunt
Secretary of State
P.O. Box 1767
Jefferson City, MO 65102

Dear Secretary Blunt:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Missouri's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Missouri legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Missouri's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Missouri and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Missouri currently has 30,090 citizens serving in the Armed Forces, over 22,568 voting age family members and more than 72,405 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$10,742,966.42 in state income tax withheld from their pay in 2002. By continuing to work together to implement these five initiatives, we can help ensure that Missouri citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Missouri's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. John Godley will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Missouri

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Missouri implement, in whole or in part, the recommendations made for Missouri under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Missouri's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Missouri

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

PART 2: Has Missouri initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Missouri taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Bob Brown
Secretary of State
State Capitol, Room 260
PO Box 202801
Helena, MT 59620-2801

Dear Secretary Brown:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Montana's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Montana legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Montana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Montana and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Montana currently has 11,216 citizens serving in the Armed Forces, over 8,412 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. By continuing to work together to implement these five initiatives, we can help ensure that Montana citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Montana's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Montana

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Montana implement, in whole or in part, the recommendations made for Montana under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Montana’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Montana

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Montana

PART 2: Has Montana initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Montana taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable John Gale
Secretary of State
State Capitol Suite 2300
P. O. Box 94608
Lincoln, NE 68509-4608

Dear Secretary Gale:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Nebraska's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives, which the Nebraska legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Nebraska's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Nebraska and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Nebraska currently has 8,154 citizens serving in the Armed Forces, over 6,116 voting age family members and more than 24,135 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$5,861,050.13 in state income tax withheld from their pay in 2002. By continuing to work together to implement these four initiatives, we can help ensure that Nebraska citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Nebraska's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Nebraska

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Nebraska implement, in whole or in part, the recommendations made for Nebraska under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Nebraska’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Nebraska

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

PART 2: Has Nebraska initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Nebraska taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Dean Heller
Secretary of State
Capitol Complex
Carson City, NV 89710

Dear Secretary Heller:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Nevada's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Nevada legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Nevada's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Nevada and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Nevada currently has 18,231 citizens serving in the Armed Forces, over 13,673 voting age family members and more than 24,135 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. By continuing to work together to implement these six initiatives, we can help ensure that Nevada citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Nevada's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. John Godley will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Nevada

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Nevada implement, in whole or in part, the recommendations made for Nevada under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Nevada’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Nevada

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Nevada

PART 2: Has Nevada initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Nevada taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable William M. Gardner
Secretary of State
State House, Room 204
Concord, NH 03301

Dear Secretary Gardner:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing New Hampshire's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the New Hampshire legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for New Hampshire's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with New Hampshire and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, New Hampshire currently has 10,889 citizens serving in the Armed Forces, over 8,167 voting age family members and more than 16,090 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. By continuing to work together to implement these six initiatives, we can help ensure that New Hampshire citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in New Hampshire's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. John Godley will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF New Hampshire

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did New Hampshire implement, in whole or in part, the recommendations made for New Hampshire under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to New Hampshire’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

New Hampshire

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

New Hampshire

PART 2: Has New Hampshire initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is New Hampshire taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Peter C. Harvey
Attorney General
Hughes Justice Complex
P.O. Box 304
Trenton, NJ 08625-0300

Dear Attorney General Harvey:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing New Jersey's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the New Jersey legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for New Jersey's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with New Jersey and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, New Jersey currently has 31,475 citizens serving in the Armed Forces, over 23,606 voting age family members and more than 104,585 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$4,992,859.12 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that New Jersey citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in New Jersey's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Brian Griffiths will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF New Jersey

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did New Jersey implement, in whole or in part, the recommendations made for New Jersey under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to New Jersey's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

New Jersey

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

PART 2: Has New Jersey initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is New Jersey taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Rebecca Vigil-Giron
Secretary of State
State Capitol, Room 420
Santa Fe, NM 87503

Dear Secretary Vigil-Giron:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing New Mexico's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives, which the New Mexico legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for New Mexico's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with New Mexico and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, New Mexico currently has 11,914 citizens serving in the Armed Forces, over 8,936 voting age family members and more than 24,135 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$7,454,399.18 in state income tax withheld from their pay in 2002. By continuing to work together to implement these four initiatives, we can help ensure that New Mexico citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in New Mexico's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Brian Griffiths will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF New Mexico

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did New Mexico implement, in whole or in part, the recommendations made for New Mexico under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to New Mexico’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

New Mexico

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

New Mexico

PART 2: Has New Mexico initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is New Mexico taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Thomas R. Wilkey
Executive Director, State Board of Elections
40 Steuben Street
Albany, NY 12207-2109

Dear Mr. Wilkey:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing New York's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives, which the New York legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for New York's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with New York and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, New York currently has 83,874 citizens serving in the Armed Forces, over 62,906 voting age family members and more than 233,305 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$21,777,790.22 in state income tax withheld from their pay in 2002. By continuing to work together to implement these seven initiatives, we can help ensure that New York citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in New York's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Elaine Perna Tucker will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF New York

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did New York implement, in whole or in part, the recommendations made for New York under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to New York's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

New York

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

New York

PART 2: Has New York initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is New York taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Gary O. Bartlett
Executive Director
P.O. Box 27255
Raleigh, NC 27611-7255

Dear Mr. Bartlett:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing North Carolina's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the North Carolina legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for North Carolina's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with North Carolina and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, North Carolina currently has 36,579 citizens serving in the Armed Forces, over 27,434 voting age family members and more than 104,585 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$35,940,097.13 in state income tax withheld from their pay in 2002. By continuing to work together to implement these five initiatives, we can help ensure that North Carolina citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in North Carolina's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Elaine Perna Tucker will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF North Carolina

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did North Carolina implement, in whole or in part, the recommendations made for North Carolina under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to North Carolina’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

North Carolina

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

North Carolina

PART 2: Has North Carolina initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is North Carolina taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Alvin Jaeger
Secretary of State
State Capitol, 1st Floor Dept 108
600 East Boulevard Ave.
Bismarck, ND 58505-0500

Dear Secretary Jaeger:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing North Dakota's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives, which the North Dakota legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for North Dakota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with North Dakota and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, North Dakota currently has 4,308 citizens serving in the Armed Forces, over 3,231 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$1,815,142.20 in state income tax withheld from their pay in 2002. By continuing to work together to implement these four initiatives, we can help ensure that North Dakota citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in North Dakota's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Betty Collins will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF North Dakota

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did North Dakota implement, in whole or in part, the recommendations made for North Dakota under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to North Dakota’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

North Dakota

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

PART 2: Has North Dakota initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is North Dakota taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable J. Kenneth Blackwell
Secretary of State
180 E. Broad Street
16th Floor
Columbus, OH 43215

Dear Secretary Blackwell:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Ohio's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives, which the Ohio legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Ohio's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Ohio and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Ohio currently has 50,445 citizens serving in the Armed Forces, over 37,834 voting age family members and more than 144,810 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$26,864,272.78 in state income tax withheld from their pay in 2002. By continuing to work together to implement these seven initiatives, we can help ensure that Ohio citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Ohio's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Ohio

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Ohio implement, in whole or in part, the recommendations made for Ohio under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Ohio's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Ohio

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Ohio

PART 2: Has Ohio initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Ohio taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Glo Henley
Chairperson
State Election Board
P.O. Box 53156
Oklahoma City, OK 73152

Dear Ms. Henley:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Oklahoma's existing election code and procedures to include possible changes due to recent federal legislation, I have identified two initiatives, which the Oklahoma legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Oklahoma's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Oklahoma and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Oklahoma currently has 18,672 citizens serving in the Armed Forces, over 14,004 voting age family members and more than 40,225 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$14,217,872.57 in state income tax withheld from their pay in 2002. By continuing to work together to implement these two initiatives, we can help ensure that Oklahoma citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Oklahoma's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Brian Griffiths will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Oklahoma

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Oklahoma implement, in whole or in part, the recommendations made for Oklahoma under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Oklahoma's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Oklahoma

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Oklahoma

PART 2: Has Oklahoma initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Oklahoma taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Bill Bradbury
Secretary of State
136 State Capitol Building
Salem, OR 97310-0722

Dear Secretary Bradbury:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Oregon's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Oregon legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Oregon's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Oregon and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Oregon currently has 23,082 citizens serving in the Armed Forces, over 17,312 voting age family members and more than 40,225 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$10,882,321.66 in state income tax withheld from their pay in 2002. By continuing to work together to implement these five initiatives, we can help ensure that Oregon citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Oregon's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. John Godley will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Oregon

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Oregon implement, in whole or in part, the recommendations made for Oregon under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Oregon's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Oregon

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Oregon

PART 2: Has Oregon initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Oregon taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Pedro Cortes
Secretary of the Commonwealth
302 North Office Building
Harrisburg, PA 17120-0029

Dear Secretary Cortes:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Pennsylvania's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Pennsylvania legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Pennsylvania's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Pennsylvania and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Pennsylvania currently has 71,961 citizens serving in the Armed Forces, over 53,971 voting age family members and more than 152,855 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$10,377,290.84 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Pennsylvania citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Pennsylvania's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Elaine Perna Tucker will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Pennsylvania

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Pennsylvania implement, in whole or in part, the recommendations made for Pennsylvania under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Pennsylvania’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Pennsylvania

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Pennsylvania

PART 2: Has Pennsylvania initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Pennsylvania taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Matt Brown
Secretary of State
217 State House
Providence, RI 02903

Dear Secretary Brown:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Rhode Island's existing election code and procedures to include possible changes due to recent federal legislation, I have identified two initiatives, which the Rhode Island legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Rhode Island's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Rhode Island and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Rhode Island currently has 3,542 citizens serving in the Armed Forces, over 2,657 voting age family members and more than 16,090 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$2,476,138.16 in state income tax withheld from their pay in 2002. By continuing to work together to implement these two initiatives, we can help ensure that Rhode Island citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Rhode Island's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Elaine Perna Tucker will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Rhode Island

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Rhode Island implement, in whole or in part, the recommendations made for Rhode Island under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Rhode Island’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

PART 2: Has Rhode Island initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Rhode Island taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Marci Andino
Executive Director
State Election Commission
2221 Devine Street
Columbia, SC 29205-5987

Dear Ms. Andino:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing South Carolina's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives, which the South Carolina legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for South Carolina's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with South Carolina and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, South Carolina currently has 24,264 citizens serving in the Armed Forces, over 18,198 voting age family members and more than 48,270 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$23,294,109.06 in state income tax withheld from their pay in 2002. By continuing to work together to implement these three initiatives, we can help ensure that South Carolina citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in South Carolina's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Brian Griffiths will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF South Carolina

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did South Carolina implement, in whole or in part, the recommendations made for South Carolina under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to South Carolina’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

South Carolina

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

South Carolina

PART 2: Has South Carolina initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is South Carolina taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Chris Nelson
Secretary of State
State Capitol Bldg., Suite 204
500 E Capitol
Pierre, SD 57501-5070

Dear Secretary Nelson:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing South Dakota's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives, which the South Dakota legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for South Dakota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with South Dakota and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, South Dakota currently has 10,628 citizens serving in the Armed Forces, over 7,971 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. By continuing to work together to implement these seven initiatives, we can help ensure that South Dakota citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in South Dakota's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Betty Collins will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF South Dakota

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did South Dakota implement, in whole or in part, the recommendations made for South Dakota under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to South Dakota's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

South Dakota

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

South Dakota

PART 2: Has South Dakota initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is South Dakota taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Riley C. Darnell
Secretary of State
312 Eighth Avenue North
6th Floor, William R. Snodgrass Tower
Nashville, TN 37243

Dear Secretary Darnell:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Tennessee's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Tennessee legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Tennessee's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Tennessee and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Tennessee currently has 49,633 citizens serving in the Armed Forces, over 37,225 voting age family members and more than 72,405 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$33.70 in state income tax withheld from their pay in 2002. By continuing to work together to implement these five initiatives, we can help ensure that Tennessee citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Tennessee's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. John Godley will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Tennessee

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Tennessee implement, in whole or in part, the recommendations made for Tennessee under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Tennessee’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Tennessee

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Tennessee

PART 2: Has Tennessee initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Tennessee taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Geoffrey S. Connor
Secretary of State
P.O. Box 12887
Austin, TX 78711-2887

Dear Secretary Connor:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Texas's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Texas legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Texas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Texas and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Texas currently has 254,560 citizens serving in the Armed Forces, over 190,920 voting age family members and more than 257,440 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$3,073.75 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Texas citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Texas's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Elaine Perna Tucker will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Texas

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Texas implement, in whole or in part, the recommendations made for Texas under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Texas's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Texas

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Texas

PART 2: Has Texas initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Texas taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Olene S. Walker
Office of the Lieutenant Governor
203 State Capitol
Salt Lake City, UT 84114-0601

Dear Lieutenant Governor Walker:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Utah's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Utah legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Utah's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Utah and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Utah currently has 6,984 citizens serving in the Armed Forces, over 5,238 voting age family members and more than 24,135 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$5,958,180.86 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Utah citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Utah's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Betty Collins will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Utah

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Utah implement, in whole or in part, the recommendations made for Utah under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Utah's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Utah

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Utah

PART 2: Has Utah initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Utah taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Deborah Markowitz
Secretary of State
26 Terrace Street, Drawer 9
Montpelier, VT 05609-1101

Dear Secretary Markowitz:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Vermont's existing election code and procedures to include possible changes due to recent federal legislation, I have identified nine initiatives, which the Vermont legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Vermont's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Vermont and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Vermont currently has 3,873 citizens serving in the Armed Forces, over 2,905 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$1,042,264.33 in state income tax withheld from their pay in 2002. By continuing to work together to implement these nine initiatives, we can help ensure that Vermont citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Vermont's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Vermont

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Vermont implement, in whole or in part, the recommendations made for Vermont under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Vermont's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Vermont

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Vermont

PART 2: Has Vermont initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Vermont taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Jean Jensen
Secretary, State Board of Elections
200 N. 9th St., Ste. 101
Richmond, VA 23219-3497

Dear Secretary Jensen:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Virginia's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives, which the Virginia legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Virginia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Virginia and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Virginia currently has 43,295 citizens serving in the Armed Forces, over 32,471 voting age family members and more than 88,495 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$37,045,229.46 in state income tax withheld from their pay in 2002. By continuing to work together to implement these three initiatives, we can help ensure that Virginia citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Virginia's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Elaine Perna Tucker will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Virginia

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Virginia implement, in whole or in part, the recommendations made for Virginia under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Virginia’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Virginia

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Virginia

PART 2: Has Virginia initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Virginia taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Sam Reed
Secretary of State
Legislative Building, 2nd Floor
P.O. Box 40220
Olympia, WA 98504-0220

Dear Secretary Reed:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Washington's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Washington legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Washington's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Washington and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Washington currently has 57,100 citizens serving in the Armed Forces, over 42,825 voting age family members and more than 72,405 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$463.80 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Washington citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Washington's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Washington

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Washington implement, in whole or in part, the recommendations made for Washington under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Washington's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Washington

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Washington

PART 2: Has Washington initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Washington taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Joe Manchin III
Secretary of State
Building 1, Suite 157K
1900 Kanawha Boulevard E
Charleston, WV 25305-0770

Dear Secretary Manchin:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing West Virginia's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the West Virginia legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for West Virginia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with West Virginia and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, West Virginia currently has 14,290 citizens serving in the Armed Forces, over 10,718 voting age family members and more than 24,135 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. By continuing to work together to implement these five initiatives, we can help ensure that West Virginia citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in West Virginia's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Betty Collins will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF West Virginia

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did West Virginia implement, in whole or in part, the recommendations made for West Virginia under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to West Virginia's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

West Virginia

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

West Virginia

PART 2: Has West Virginia initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is West Virginia taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Kevin J. Kennedy
Executive Director
P.O. Box 2973
Madison, WI 53701-2973

Dear Mr. Kennedy:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Wisconsin's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Wisconsin legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Wisconsin's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Wisconsin and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Wisconsin currently has 16,652 citizens serving in the Armed Forces, over 12,489 voting age family members and more than 64,360 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$13,568,828.60 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Wisconsin citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Wisconsin's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. John Godley will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Wisconsin

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Wisconsin implement, in whole or in part, the recommendations made for Wisconsin under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Wisconsin's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Wisconsin

PART 2: Has Wisconsin initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Wisconsin taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Joseph B. Meyer
Secretary of State
State Capitol Building
Room 106
Cheyenne, WY 82002-0020

Dear Secretary Meyer:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Wyoming's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Wyoming legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Wyoming's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Wyoming and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Wyoming currently has 7,684 citizens serving in the Armed Forces, over 5,763 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. By continuing to work together to implement these five initiatives, we can help ensure that Wyoming citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Wyoming's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Wyoming

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Wyoming implement, in whole or in part, the recommendations made for Wyoming under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Wyoming's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Wyoming

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Wyoming

PART 2: Has Wyoming initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Wyoming taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Soliai T. Fuimaono
Chief Election Officer
PO Box 3970
Pago Pago, AS 96799-3970

Dear Mr. Fuimaono:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing American Samoa's existing election code and procedures to include possible changes due to recent federal legislation, I have identified initiatives, which the American Samoa legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for American Samoa's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with American Samoa and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, American Samoa currently has citizens serving in the Armed Forces, over voting age family members and more than citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$ in state income tax withheld from their pay in 2002. By continuing to work together to implement these initiatives, we can help ensure that American Samoa citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in American Samoa's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF American Samoa

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did American Samoa implement, in whole or in part, the recommendations made for American Samoa under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to American Samoa's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

American Samoa

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

American Samoa

PART 2: Has American Samoa initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is American Samoa taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Beverly Rivers
Secretary of the District of Columbia
441 Fourth Street, NW, Suite 1130
Washington, DC 20001

Dear Secretary Rivers:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Washington, D.C.'s existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Washington, D.C. legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Washington, D.C.'s citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Washington, D.C. and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Washington, D.C. currently has 1,424 citizens serving in the Armed Forces, over 1,068 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$1,376,406.32 in state income tax withheld from their pay in 2002. By continuing to work together to implement these five initiatives, we can help ensure that Washington, D.C. citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Washington, D.C.'s legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Elaine Perna Tucker will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Washington, D.C.

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Washington, D.C. implement, in whole or in part, the recommendations made for Washington, D.C. under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Washington, D.C.'s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Washington, D.C.

PART 2: Has Washington, D.C. initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Washington, D.C. taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Kaleo Moylan
Office of the Lieutenant Governor
P. O. Box 2950
Agana, GU 96932

Dear Lieutenant Governor Moylan:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Guam's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives, which the Guam legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Guam's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Guam and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Guam currently has 222 citizens serving in the Armed Forces, over 167 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. By continuing to work together to implement these eight initiatives, we can help ensure that Guam citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Guam's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Betty Collins will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Guam

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Guam implement, in whole or in part, the recommendations made for Guam under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Guam’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Guam

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Guam

PART 2: Has Guam initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Guam taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Aurelio Gracias Morales
President
State Elections Commission
P.O. Box 195552
San Juan, PR 00919-5552

Dear Mr. Morales:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Puerto Rico's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives, which the Puerto Rico legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Puerto Rico's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Puerto Rico and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Puerto Rico currently has 7,891 citizens serving in the Armed Forces, over 5,918 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$4,654,724.20 in state income tax withheld from their pay in 2002. By continuing to work together to implement these eight initiatives, we can help ensure that Puerto Rico citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Puerto Rico's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Puerto Rico

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Puerto Rico implement, in whole or in part, the recommendations made for Puerto Rico under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Puerto Rico’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Puerto Rico

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Puerto Rico

PART 2: Has Puerto Rico initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Puerto Rico taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Vargrave A Richards
Office of the Lieutenant Governor
Charlotte Amalie
St. Thomas, VI 00802

Dear Lieutenant Governor Richards:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Virgin Islands's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives, which the Virgin Islands legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Virgin Islands's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Virgin Islands and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Virgin Islands currently has 74 citizens serving in the Armed Forces, over 53 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. By continuing to work together to implement these four initiatives, we can help ensure that Virgin Islands citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Virgin Islands's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Virgin Islands

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Virgin Islands implement, in whole or in part, the recommendations made for Virgin Islands under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Virgin Islands’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Virgin Islands

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Virgin Islands

PART 2: Has Virgin Islands initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Virgin Islands taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Nancy L. Worley
Secretary of State
Alabama State Capitol, Room S-105
600 Dexter Avenue
Montgomery, AL 36103

Dear Secretary Worley:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Alabama's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Alabama legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Alabama's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Alabama and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Alabama currently has 25,839 citizens serving in the Armed Forces, over 19,379 voting age family members and more than 56,315 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$15,585,887.02 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Alabama citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Alabama's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Alabama

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Alabama implement, in whole or in part, the recommendations made for Alabama under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Alabama’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Alabama

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Alabama

PART 2: Has Alabama initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Alabama taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Loren Leman
Office of the Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Dear Lieutenant Governor Leman:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Alaska's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Alaska legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Alaska's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Alaska and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Alaska currently has 37,332 citizens serving in the Armed Forces, over 27,999 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. By continuing to work together to implement these five initiatives, we can help ensure that Alaska citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Alaska's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Alaska

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Alaska implement, in whole or in part, the recommendations made for Alaska under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Alaska's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superceded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superceded by the Help America Vote Act of 2002, section 706.

Alaska

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Alaska

PART 2: Has Alaska initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Alaska taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Jan Brewer
Secretary of State
State Capitol, West Wing, 7th Floor
1700 W. Washington
Phoenix, AZ 85007-2808

Dear Secretary Brewer:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Arizona's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Arizona legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Arizona's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Arizona and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Arizona currently has 24,176 citizens serving in the Armed Forces, over 18,132 voting age family members and more than 64360 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$8,979,425.14 in state income tax withheld from their pay in 2002. By continuing to work together to implement these five initiatives, we can help ensure that Arizona citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Arizona's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Betty Collins will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Arizona

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Arizona implement, in whole or in part, the recommendations made for Arizona under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Arizona’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

PART 2: Has Arizona initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Arizona taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Charlie Daniels
Secretary of State
256 State Capitol Building
Little Rock, AR 72201

Dear Secretary Daniels:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Arkansas's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives, which the Arkansas legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Arkansas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Arkansas and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Arkansas currently has 14,350 citizens serving in the Armed Forces, over 10,793 voting age family members and more than 32,180 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$7,907,348.16 in state income tax withheld from their pay in 2002. By continuing to work together to implement these eight initiatives, we can help ensure that Arkansas citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Arkansas's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Arkansas

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Arkansas implement, in whole or in part, the recommendations made for Arkansas under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Arkansas’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Arkansas

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Arkansas

PART 2: Has Arkansas initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Arkansas taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Kevin Shelley
Secretary of State
1500 11th Street
Sacramento, CA 95814-2974

Dear Secretary Shelley:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing California's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives, which the California legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for California's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with California and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, California currently has 161,901 citizens serving in the Armed Forces, over 121,426 voting age family members and more than 426,385 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$35,163,847.12 in state income tax withheld from their pay in 2002. By continuing to work together to implement these four initiatives, we can help ensure that California citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in California's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF California

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did California implement, in whole or in part, the recommendations made for California under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to California's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

California

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

California

PART 2: Has California initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is California taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Donetta Davidson
Secretary of State
1560 Broadway, Suite 200
Denver, CO 80202

Dear Secretary Davidson:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Colorado's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives, which the Colorado legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Colorado's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Colorado and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Colorado currently has 20,233 citizens serving in the Armed Forces, over 15,175 voting age family members and more than 56,315 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$13,097,460.37 in state income tax withheld from their pay in 2002. By continuing to work together to implement these five initiatives, we can help ensure that Colorado citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Colorado's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. John Godley will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Colorado

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Colorado implement, in whole or in part, the recommendations made for Colorado under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Colorado's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Colorado

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Colorado

PART 2: Has Colorado initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Colorado taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Susan Bysiewicz
Secretary of State
State Capitol, Room 104
210 Capitol Avenue
Hartford, CT 06106

Dear Secretary Bysiewicz:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Connecticut's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives, which the Connecticut legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Connecticut's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Connecticut and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Connecticut currently has 12,116 citizens serving in the Armed Forces, over 9,085 voting age family members and more than 40,225 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$4,132,021.94 in state income tax withheld from their pay in 2002. By continuing to work together to implement these seven initiatives, we can help ensure that Connecticut citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Connecticut's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Brian Griffiths will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT FOR STATE OF Connecticut

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Connecticut implement, in whole or in part, the recommendations made for Connecticut under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Connecticut’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Connecticut

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Connecticut

PART 2: Has Connecticut initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Connecticut taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Mr. Frank Calio
Commissioner of Elections
32 West Loockerman Street Suite M101
Dover, DE 19904

Dear Mr. Calio:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Delaware's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Delaware legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Delaware's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Delaware and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Delaware currently has 3,845 citizens serving in the Armed Forces, over 2,884 voting age family members and more than 8,045 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$2,474,216.69 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Delaware citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Delaware's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Betty Collins will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Delaware

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Delaware implement, in whole or in part, the recommendations made for Delaware under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Delaware’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Delaware

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Delaware

PART 2: Has Delaware initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Delaware taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Glenda E. Hood
Secretary of State
Collins Building
107 West Gaines St.
Tallahassee, FL 32399-0250

Dear Secretary Hood:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Florida's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives, which the Florida legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Florida's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Florida and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Florida currently has 229,162 citizens serving in the Armed Forces, over 171,872 voting age family members and more than 201,125 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$586.13 in state income tax withheld from their pay in 2002. By continuing to work together to implement these four initiatives, we can help ensure that Florida citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Florida's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Brian Griffiths will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Florida

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Florida implement, in whole or in part, the recommendations made for Florida under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Florida’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Florida

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Florida

PART 2: Has Florida initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Florida taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Cathy Cox
Secretary of State
State Capitol, Room 214
Atlanta, GA 30334

Dear Secretary Cox:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Georgia's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives, which the Georgia legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Georgia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Georgia and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Georgia currently has 40,158 citizens serving in the Armed Forces, over 30,119 voting age family members and more than 104,585 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$28,940,850.59 in state income tax withheld from their pay in 2002. By continuing to work together to implement these four initiatives, we can help ensure that Georgia citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Georgia's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Brian Griffiths will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Georgia

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Georgia implement, in whole or in part, the recommendations made for Georgia under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Georgia's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Georgia

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Georgia

PART 2: Has Georgia initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Georgia taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Dwayne Yoshina
Chief Election Officer
Office of Elections
802 Lehua Avenue
Pearl City, HI 96782

Dear Mr. Yoshina:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Hawaii's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives, which the Hawaii legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Hawaii's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Hawaii and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Hawaii currently has 5,994 citizens serving in the Armed Forces, over 4,496 voting age family members and more than 16,090 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$6,289,801.05 in state income tax withheld from their pay in 2002. By continuing to work together to implement these four initiatives, we can help ensure that Hawaii citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Hawaii's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Hawaii

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Hawaii implement, in whole or in part, the recommendations made for Hawaii under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Hawaii's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Hawaii

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Hawaii

PART 2: Has Hawaii initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Hawaii taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Ben Ysura
Secretary of State
P.O. Box 83720
Boise, ID 83720-0080

Dear Secretary Ysura:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Idaho's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Idaho legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Idaho's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Idaho and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Idaho currently has 10,479 citizens serving in the Armed Forces, over 7,859 voting age family members and more than 16,090 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$3,687,652.13 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Idaho citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Idaho's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Brian Griffiths will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Idaho

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Idaho implement, in whole or in part, the recommendations made for Idaho under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Idaho's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Idaho

PART 2: Has Idaho initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Idaho taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

Daniel White
Executive Director
State Board of Elections
1020 S Spring Street
Springfield, IL 62704

Dear Mr. White:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Illinois's existing election code and procedures to include possible changes due to recent federal legislation, I have identified nine initiatives, which the Illinois legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Illinois's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Illinois and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Illinois currently has 69,387 citizens serving in the Armed Forces, over 52,040 voting age family members and more than 152,855 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$1,533.92 in state income tax withheld from their pay in 2002. By continuing to work together to implement these nine initiatives, we can help ensure that Illinois citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Illinois's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Illinois

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Illinois implement, in whole or in part, the recommendations made for Illinois under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Illinois's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Illinois

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Illinois

PART 2: Has Illinois initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Illinois taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Todd Rokita
Secretary of State
State House, Room 201
Indianapolis, IN 46204

Dear Secretary Rokita:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Indiana's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives, which the Indiana legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Indiana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Indiana and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Indiana currently has 21,568 citizens serving in the Armed Forces, over 16,176 voting age family members and more than 72,405 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$12,067,035.11 in state income tax withheld from their pay in 2002. By continuing to work together to implement these three initiatives, we can help ensure that Indiana citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Indiana's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. John Godley will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Indiana

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Indiana implement, in whole or in part, the recommendations made for Indiana under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Indiana’s law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed “Not Earlier Than” Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Indiana

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Indiana

PART 2: Has Indiana initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Indiana taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Chet Culver
Secretary of State
Lucas Building, 1st Floor
321 E 12th St
Des Moines, IA 50319

Dear Secretary Culver:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Iowa's existing election code and procedures to include possible changes due to recent federal legislation, I have identified two initiatives, which the Iowa legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Iowa's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Iowa and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Iowa currently has 10,686 citizens serving in the Armed Forces, over 8,015 voting age family members and more than 40,225 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$8,754,868.97 in state income tax withheld from their pay in 2002. By continuing to work together to implement these two initiatives, we can help ensure that Iowa citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Iowa's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Iowa

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Iowa implement, in whole or in part, the recommendations made for Iowa under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Iowa's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Iowa

PART 2: Has Iowa initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Iowa taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable Ron Thornburgh
Secretary of State
Memorial Hall
120 SW 10th 1st Floor
Topeka, KS 66612-1594

Dear Secretary Thornburgh:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Kansas's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives, which the Kansas legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Kansas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Kansas and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Kansas currently has 11,436 citizens serving in the Armed Forces, over 8,577 voting age family members and more than 32,180 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$7,342,837.06 in state income tax withheld from their pay in 2002. By continuing to work together to implement these four initiatives, we can help ensure that Kansas citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Kansas's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Terry Wade will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Kansas

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Kansas implement, in whole or in part, the recommendations made for Kansas under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Kansas's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Kansas

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Kansas

PART 2: Has Kansas initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Kansas taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

January 5, 2004

The Honorable John Y. Brown, III
Secretary of State
State Capitol, Room 150
700 Capitol Avenue
Frankfort, KY 40601-3493

Dear Secretary Brown:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Kentucky's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives, which the Kentucky legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Kentucky's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Kentucky and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Kentucky currently has 13,520 citizens serving in the Armed Forces, over 10,140 voting age family members and more than 48,270 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$10,720,072.99 in state income tax withheld from their pay in 2002. By continuing to work together to implement these seven initiatives, we can help ensure that Kentucky citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Kentucky's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Betty Collins will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Kentucky

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Kentucky implement, in whole or in part, the recommendations made for Kentucky under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Kentucky's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superseded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superseded by the Help America Vote Act of 2002, section 706.

Kentucky

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Kentucky

PART 2: Has Kentucky initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Kentucky taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

July 31, 2012

«INADDRESS»
«INTITLE»
«ADDRESS2»
«ADDRESS3»
«CITY», «ST» «ZIP»

Dear «SALUTATION»:

As we prepare for the 2004 elections, I am writing each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. After reviewing «STATE»'s existing election code and procedures to include possible changes due to recent federal legislation, I have identified «DISTRICT» initiatives, which the «STATE» legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for «STATE»'s citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The NDAA FY02 (Section 1606) requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year. The HAVA (Section 706) requires the FPCA to be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a temporary reporting requirement that takes effect with dissemination of the attached 2002 legislative initiatives and will continue through 2004.

In order to facilitate this requirement I suggest the following:

1. The state insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter.
4. Use the enclosed suggested report format to respond to the above requirements electronically.

After more than a decade of working cooperatively with <<STATE>> and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, «STATE» currently has «PHONE» citizens serving in the Armed Forces, over «OFFICE» voting age family members and more than «SEAT» citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$«NUM» in state income tax withheld from their pay in 2001. By continuing to work together to implement these «DISTRICT» initiatives, we can help ensure that «STATE» citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in «STATE»'s legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. «ADDRESS1» will contact «HOMESTATE» soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Soft copy suggested report format
- (2) Hard copy legislative initiatives

Late Registration Procedure

We recommend that Alabama **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Alabama's use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. **Twelve** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot. **Forty-nine** states allow electronic transmission of at least part of the absentee voting process.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Special State Write-In Absentee Ballot

We also recommend Alabama provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame**. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Alabama money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alabama's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fourteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that Alaska **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-six** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only.** This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American

membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** states have legislatively expanded the use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Alaska money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alaska's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fourteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We**

recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Notary Requirement

Current American Samoa election law requires that the FPCA must be sworn to by a person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S. or the Territories

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a citizen outside the Territory who has never lived in the Territory has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that American Samoa's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that American Samoa **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend American Samoa provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from American Samoa in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in

advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. Presently, there are nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow the chief election officer more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that American Samoa allows the electronic transmission of the FPCA for registration and absentee ballot request. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The chief election officer may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information that is requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election.

The adoption of this initiative would save the territory money and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the territory;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election.*

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face American Samoa military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arizona military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Arizona **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arizona's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership.

By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arkansas military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Arkansas allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Arkansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would

reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the State money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Arkansas enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and that registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballots.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 7-5-406 of the Arkansas Election Laws refers to the Overseas Citizens Voting Rights Act of 1975. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the *Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arkansas's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face California military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the

information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Twelve states have passed legislation allowing these citizens to claim the legal

residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that California's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Colorado military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Colorado **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission of election materials has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Colorado has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions

allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Connecticut military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize that Connecticut provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-two states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Connecticut enacted legislation to provide for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. However, voters using the FPCA to register are required to simultaneously mail the original, which must arrive by 5:00 p.m. on the day before the election for the ballot to be counted. The electronic transmission methodology is there to ensure the FPCA is received by the state's deadline. If the electronically transmitted FPCA for registration is not recognized until the mail version is received then the availability of electronic transmission is of no benefit to the voter. We realize the original FPCA should be mailed in all cases regardless, however we urge an extension to the acceptance deadline for the original FPCA when the voter has utilized the electronically transmitted option.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We realize that Connecticut law allows recently discharged members of the military returning to the state too late to register during the regular registration period to register to vote up until 5:00 p.m. on the last weekday before an election. We recommend that **Connecticut allow persons recently separated from overseas employment, and their family members, to be able to register late or be exempt from registration.** Many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet the normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem.

Sample Language

A person who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Connecticut extend the availability of the state write-in absentee ballot to non-Uniformed Services overseas electors. The purpose of the state write-in absentee ballot is to **provide a method for voting by persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Use of the Federal Write-In Absentee Ballot (FWAB)

The state of Connecticut is exempt from use of the Federal Write-In Absentee Ballot (FWAB) by Section 103 (f) in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These statements exempt states that make ballots available to military voters at least 90 days before the general election and as soon as the candidate list is available for other UOCAVA citizens.

The intent of the Federal Write-In Absentee Ballot (FWAB) is to aid the enfranchisement of U.S. citizens overseas wishing to vote for Federal Offices in general elections who make timely application for, but do not receive an absentee ballot.

The intent of the current Connecticut Special Write-In Absentee Ballot is to assist members of the military and their family members who are not able to follow the regular absentee ballot application procedure.

The Connecticut Special Write-In Absentee Ballot does not accommodate citizens who request a state absentee ballot in a timely manner and do not receive it in time to vote and return it to meet the state's ballot deadline. The FWABs, which are prepositioned at military installations and U.S. Embassies and Consulates worldwide fulfill this purpose for all overseas U.S. citizens except those whose legal residence is Connecticut.

We recommend that **Connecticut allow overseas UOCAVA citizens who have requested a state absentee ballot in a timely manner and not received it in time to vote and return it to meet the state's ballot deadline be allowed to use the Federal Write-In Absentee Ballot.**

Sample Language

The Federal Write-In Absentee Ballot (FWAB) will be accepted from overseas voters who make timely application for, and do not receive a regular absentee ballot. The following rules shall apply with respect to the FWAB:

(1) In completing the ballot, the overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of the political party (in which case the ballots shall be counted for the candidate of that political party).

(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of the political party shall be counted as a vote for the electors supporting the candidate involved.

(3) Any abbreviation, misspelling, or other minor variation in the spelling of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent.

We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Connecticut's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that the District of Columbia **allow persons recently separated from the Uniformed Services or overseas employment and their family members to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in the District of Columbia just prior to an election. This time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and registration requirements combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend that the District of Columbia provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal timeframe.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter

must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize the District of Columbia allows electronic transmission of the FPCA for registration and absentee ballot request and permits faxing of the absentee ballot when military service prevents the voter from receiving and returning the voted ballot. However, we encourage you to expand the use of this alternative to include electronic transmission of the blank and voted ballots for all military and overseas citizens, electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate these alternatives.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eight** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously**

with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general elections and Federal offices if:

- (1) the information submitted complies with the District's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election.

The adoption of this initiative would save money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter resides outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the jurisdiction;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in the U.S., they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Nine** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be**

allowed to vote in elections for Federal offices where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We recommend that Florida provide a state write-in absentee ballot for **all elections**. We commend you for passing legislation that allowed for a state write-in ballot for general elections. However, we request that you expand this to all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame for all elections**. Thus, a voter would know that they could exercise their right to vote for all Florida elections, not just one. We encourage you to include this in your next legislative package.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently in Florida, the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Although Florida passed legislation allowing the electronic transmission of the blank ballot and receipt of the voted ballot by overseas U.S. citizens, we encourage you to expand the use of this alternative. We request that Florida allow election officials to electronically send the blank ballot and accept the voted ballot electronically from military voters **in the U.S.**, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate this alternative.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Georgia's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Georgia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not

disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Georgia enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and the registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card

Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Hawaii military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Hawaii allow persons recently separated from the Uniformed Services, the merchant marine, or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Although Hawaii Revised Statute Section 15-3 states "...any former registered voter of Hawaii may vote an absentee ballot in any presidential election occurring within twenty-four months after leaving Hawaii...", This statute does not cover members of the Uniformed Services, the merchant marine, or citizens employed overseas, and family members that have been away for over 24 months. Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. A special late registration procedure for these circumstances would solve this problem. **Twenty-six** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state

deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. While Hawaii offers electronic transmission of election materials, the fact remains that by **expanding the use of the FWAB to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Hawaii money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he

or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Special State Write-In Absentee Ballot

We also recommend Hawaii provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under the *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Idaho's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country whom may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Idaho allows for the electronic transmission of the Federal Post Card Application (FPCA) for absentee ballot request. We recommend expanded use of this alternative to include electronic transmission of the FPCA request for registration as well as electronic transmission of the blank ballot to the voter and acceptance of the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Idaho **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Idaho provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the State in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the State. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received,

voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Notary Requirement

Current Illinois election law requires that in order to vote a full ballot, the state affidavit of registration from unregistered Illinois residents temporarily outside the U.S. must be sworn to before a person or officer authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials. Forty-eight** states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

Illinois currently allows members of the Armed Forces or merchant marine, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Illinois expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's 30-day residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Application for Ballot by Proxy to Overseas Citizens

Currently, Illinois allows spouses, and other family members, to use a special application provided by the local election official to request that an absentee ballot be mailed to members of the Uniformed Services. **We recommend this option be expanded to allow spouses and other family members of overseas civilian citizens to request an absentee ballot be mailed to them.**

Sample Language

If a spouse, dependent, mother, father, sister or brother of a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is registered to vote in the same county as that citizen, he or she may request that an absentee ballot be mailed to that voter by completing a special application provided by the local election official.

Special State Write-In Absentee Ballot

We also recommend Illinois provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Illinois enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for ballot requests by members of the Armed Forces. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. **Twelve** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk official

may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 10 of the Illinois Election Laws makes no reference to Federal law. In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which the Federal Voting Assistance Program administers. **Reference to the UOCAVA in the state election code** would help election officials and interested citizens find guidance to applicable federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. 33 states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** states have legislatively expanded use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend

the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Illinois money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Illinois' **State Board of Elections/Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The State Board of Elections/Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission or fax. As an example, in light of the surge of Guard and Reserve forces being deployed, the State Board of Elections/Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. Eleven states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The State Board of Elections/Chief Election Official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The State Board of Elections/Chief Election Official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the State Board of Elections/Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The State Board of Elections/Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Indiana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Indiana provides 45-day transit time for General and Primary elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens**

be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Iowa enacted legislation to provide for electronic transmission of the Federal Post Card Application request for registration and an absentee ballot. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. The following sample language would allow for these procedures.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We understand Iowa currently allows discharged military personnel to register late. **We encourage expanding this option to their family members and overseas citizens who may go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election.** Often, the date of discharge or termination of overseas employment and a state's registration

requirement combine to disenfranchise a citizen returning home after active duty or employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kansas' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Kansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and

Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and runoff elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

The Need for 45-Day Ballot Transit Time

The most persistent problem, which continues to face Louisiana military and overseas voters, is the extremely short period of time these voters have to receive, vote, and return their absentee ballots **for non-Presidential elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states currently have a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Louisiana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Uniformed Services, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Louisiana allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Louisiana provide a state write-in absentee ballot for all elections, *not only the Presidential election.* The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Massachusetts military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Massachusetts provides 45-day transit time for Primary elections. However, expanding this provision to all elections would help ensure enfranchisement. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Special State Write-In Absentee Ballot

We also recommend Massachusetts provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. We realize Massachusetts provides a special write-in absentee ballot if the local election official does not have the regular state ballot available for mailing. However, expanding this provision by making this ballot available upon request by UOCAVA citizens and expanding its use for all elections would help ensure enfranchisement. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military

installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Massachusetts' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fourteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe,

by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-six** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Massachusetts has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA). We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot via electronic transmission from these voters where circumstances would otherwise disenfranchise them. **Twelve** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for local, state and Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Massachusetts money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

January 5, 2004

The Honorable William Francis Galvin
Secretary of the Commonwealth
State House, Room 337
Boston, MA 02133

Dear Secretary Galvin:

As we continue preparations for the 2004 elections, I am writing the Governor of each state to suggest ways in which we can bring uniformity and simplification to the absentee voting process for our men and women in uniform and our overseas citizens. As a courtesy, I am sending you this letter that mirrors the letter sent to your Governor.

After reviewing Massachusetts's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives, which the Massachusetts legislature might consider during its next legislative session. If these initiatives were enacted and signed into law before the 2004 general election, they would significantly help to facilitate the absentee voting process for Massachusetts's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. These citizens are members of the Uniformed Services and their eligible family members and citizens residing outside the United States. Uniformed Services voters are defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, merchant marine, Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

The National Defense Authorization Act for fiscal year 2002 (NDAA FY02) and the Help America Vote Act (HAVA) have federally legislated two of the initiatives the FVAP had previously suggested to the states and territories. The amended *UOCAVA* now requires states and territories to accept one Federal Postcard Application (FPCA) as a request for all ballots a voter is eligible to receive in a calendar year and that the FPCA must be processed by the state regardless of when it is received during the year.

Section 1605 of the NDAA FY02, requires the chief executive authority of each State to submit a report on the status of implementation of the enclosed legislative recommendations. The report is required 90 days after receiving this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the respective Congressional delegations from each State. This is a three-year temporary reporting requirement of which this is the second year.

In order to facilitate this requirement I suggest the following:

1. Using the enclosed report format, insert a brief response after each of the initiatives.
2. Return these initiatives with a cover letter from the Governor in which he/she summarizes any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations.
3. Provide the above-mentioned documents as the Governor's Report within 90 days of receipt of this letter via mail or e-mail to vote@fvap.ncr.gov.

After two decades of working cooperatively with Massachusetts and the other 54 states and territories, we have had many successes in simplifying the absentee voting process: 48 jurisdictions have removed the requirement for notarization of registration forms and ballot envelopes; and 49 currently allow the electronic transmission of some or all election materials.

Of the more than six million citizens guaranteed their voting rights under the *UOCAVA*, Massachusetts currently has 13,938 citizens serving in the Armed Forces, over 10,454 voting age family members and more than 80,450 citizens residing overseas who are not affiliated with the Federal government that are eligible to vote. Members of the Armed Forces had \$11,218,107.62 in state income tax withheld from their pay in 2002. By continuing to work together to implement these six initiatives, we can help ensure that Massachusetts citizens can easily exercise their right to vote for their representatives to Federal, state and local offices.

As you review these initiatives for possible inclusion in Massachusetts's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. Paul Mendez will be in contact soon to discuss these initiatives. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Suggested report format
- (2) Legislative initiatives

LEGISLATIVE IMPLEMENTATION REPORT

FOR STATE OF Massachusetts

PART I: Per the National Defense Authorization Act for FY 02, Section 1605, how did Massachusetts implement, in whole or in part, the recommendations made for Massachusetts under the Federal Voting Assistance Program on behalf of the Secretary of Defense, acting as the Presidential designee? Include a description of the changes made to Massachusetts's law to implement each recommendation. If the recommendation has not been implemented, provide a statement of the status of the recommendation before the State legislature and a statement of any recommendation the chief executive officer has made or intends to make to the legislature with respect to that recommendation.

1. 45-Day Ballot Transit Time.

2. One Federal Post Card Application for All Elections. Superceded by the National Defense Authorization Act for FY02, section 1606.

3. Notary Not Required.

4. Removed "Not Earlier Than" Restriction. Superceded by the Help America Vote Act of 2002, section 706.

Massachusetts

5. Late Registration Procedures.

6. Special State Write-In Absentee Ballot.

7. Reference Uniformed and Overseas Citizens Absentee Voting Act in state law.

8. Electronic Transmission of Election Materials.

9. Expanded Use of Federal Write-In Absentee Ballot.

10. Emergency Authority for Chief Election Official.

11. Enfranchise Citizens Who Have Never Resided in the United States.

Massachusetts

PART 2: Has Massachusetts initiated any other administrative or legislative changes not reflected in Part 1, e.g., approval of the on-line FPCA?

PART 3: Is Massachusetts taking any other action(s), e.g., participation in electronic voting projects, voting studies, to help improve the uniformed and overseas absentee registration and voting process?

Governor's Signature

Date

Late Registration Procedures

We recommend that Maine **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Maine has enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) request for registration and ballot. We recommend expanded use of this alternative to include electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and

FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face Maine military and overseas voters is the short period of time these voters have to receive, vote, and return their absentee ballots for **non-Federal elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time

through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. However, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Maine's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting

Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Although the Maryland General Assembly deleted the late registration provision from Maryland law, we never-the-less encourage you to recommend that Maryland reinstate procedures **to allow persons recently separated from the Uniformed Services and their family members to be able to register late (or be exempt from registration)**. Previously, honorably discharged military personnel and their spouses and dependents could still vote absentee if a Federal Post Card Application arrived not later than 8 p.m. on election day. Additionally, we recommend that Maryland expand this procedure **to allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**.

Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states now allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

Although Maryland provides ample time for transit of ballots under normal circumstances, especially with late counting, we continue to recommend that Maryland provide a state write-in absentee ballot for all elections as a means to vote in case there are delays in mailing and returning absentee ballots. Again, the main purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official. Also a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Maryland has done an exceptional job passing legislation on behalf of *UOCAVA* voters regarding electronic transmission of election materials. However, we request your consideration again to make further changes in Maryland law/administrative procedures that would include the faxing of the voted ballot for all *UOCAVA* absentee voters and of the FPCA for registration purposes. We realize that Maryland allows faxing of the FPCA for an absentee ballot request and now the unvoted ballot and that Maryland law prohibits electronic facsimile if the document requires a signed affidavit. However, we encourage expansion of this alternative to include electronic transmission of the FPCA

for registration (since we instruct voters to submit the original, signed FPCA after faxing and the FPCA form is a simultaneous request for registration and request for absentee ballot) and acceptance of the voted ballot electronically from the voter (signature already on file) where circumstances would otherwise disenfranchise a citizen. The sample language below accommodates these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local board of elections may receive FPCAs for registration, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

We appreciate the action taken by the Maryland State Board of Elections to allow overseas voters to cast votes for state and local offices in primary and special Federal elections using the Federal Write-In Absentee Ballot (FWAB). Since this ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership, many overseas citizens have access to it and would not be disenfranchised because their regular ballots were not received in a timely manner.

In addition, however, for those citizens that desire to vote in elections for Federal office only, we request the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB**. This would further simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for elections for Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*. To address your concerns about lack of control over the process, the citizen must provide a valid Maryland residence address and sign the FPCA attesting that he/she is a U.S. citizen and is not voting in any other jurisdiction.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Massachusetts military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Massachusetts provides 45-day transit time for Primary elections. However, expanding this provision to all elections would help ensure enfranchisement. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Special State Write-In Absentee Ballot

We also recommend Massachusetts provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. We realize Massachusetts provides a special write-in absentee ballot if the local election official does not have the regular state ballot available for mailing. However, expanding this provision by making this ballot available upon request by UOCAVA citizens and expanding its use for all elections would help ensure enfranchisement. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military

installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Massachusetts' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fourteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe,

by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-six** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Massachusetts has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA). We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot via electronic transmission from these voters where circumstances would otherwise disenfranchise them. **Twelve** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for local, state and Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Massachusetts money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Use of One Federal Post Card Application (FPCA) for ALL Elections in a Calendar Year

Congress modified the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* in December 2001 to require the States, effective immediately, to accept a single FPCA, that is received 30 days or more before an election, as a simultaneous voter registration and absentee ballot application for all elections for Federal offices held in the State during that calendar year. FVAP reminds you of this requirement and recommends extension of this provision to include all State and local elections for which the citizen is eligible to vote. We recommend that the following procedure be adopted:

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Notary Requirement

Current Michigan election law requires that the FPCA used to register and request absentee ballots or to request absentee ballots only, must be sworn to before an official authorized to administer oaths if the requesters are Michigan residents temporarily residing outside the U.S. and unaffiliated with the U.S. Federal Government, or overseas citizens. This notary requirement has created continuing problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We strongly recommend action this legislative year to **remove the notary requirement for all absentee balloting materials or not require notarization after initial registration notary is provided**. To this end, we support HB 5086, which is currently under consideration in your legislature. Please contact us to provide testimony for, or to write letters in support of, this legislation. **Forty-eight** states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

"Not Earlier Than" Restrictions

We also note that Michigan has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, i.e., not earlier than 75 days before the election and not later than the Saturday before the election. The "not earlier than" limitation has also caused a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their

~~applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters.~~

~~We appreciate the fact that you have provided an administrative instruction to hold applications that arrive earlier than 75 days before the election. However, we urge that the “not earlier than” dates for ballot requests be eliminated completely by legislation. Further, we recommend a part in the statutes be established for Federal absentee voters separate from regular absentee voters. Your laws now address each class of voter the same way even though there are quite different circumstances between a regular absentee voter who will not be present at the polls on election day due to vacation, hospitalization, etc. and a Federal absentee voter who requires more time to request an absentee ballot. Forty-nine states have already removed such requirements.~~

Late Registration Procedures

We recommend that Michigan **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state’s normal residency requirements. Often, the date of discharge or termination of overseas employment and a state’s registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for **all elections.** The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state

does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Michigan Election Law refers to the *Federal Voting Assistance Act of 1955* and the *Overseas Citizens Voting Rights Act of 1975*. In 1986, Congress updated and consolidated the provisions of the *1955 Act* and the *Overseas Citizens Voting Rights Act of 1975* into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the blank ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Minnesota military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as State Department personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Minnesota **allow persons recently separated from the Uniformed Services or overseas employment and their family members to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Notary Requirement

We realize notarization of the FPCA and the ballot return envelope is not necessary if a voter provides his/her military ID number or passport number. However, if a voter overlooks this requirement or if he or she is unable to obtain notarial services, he or she may be disenfranchised. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

State Write-In Absentee Ballot

We also recommend Minnesota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame**. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states beyond Federal law that have expanded the use of the FWAB and the 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Minnesota has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided

in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Minnesota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Missouri election law requires that the state registration card used to register permanently must be witnessed by a notary public or other officer authorized by law to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Missouri Election Laws do not refer to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Missouri enacted legislation where some Missouri counties may allow citizens to send the FPCA via electronic transmission when requesting an absentee ballot. We encourage expanded use of this alternative to include electronic transmission of the FPCA, on a regular, statewide basis, for ballot request and registration, electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter

on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a Uniformed Service member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Montana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Special State Write-in Absentee Ballot

We also recommend that Montana provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from their voting jurisdiction. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows

voting for Federal offices only. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Bring Montana Election Code into Conformance with the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In our recent update to the Voting Assistance Guide it came to our attention that there is a discrepancy in the definition of eligible citizens between the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* and the Montana Election Code. Section 13-2-211 of the Montana code defines an “elector in the United States service” as members of the armed forces, merchant marine, religious groups or welfare agencies attached to the armed forces, or citizens temporarily residing outside the U.S. territorial limits, and their spouses and dependents. UOCAVA does not cover members of religious groups or welfare agencies attached to the armed forces unless they are serving overseas. In addition to the other categories of citizens listed in the Montana code, UOCAVA also includes “uniformed services” – the Coast Guard and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration. (See 42 U.S.C. 1973ff-1 and ff-6.)

We recommend that Montana review the language in the *Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA, 42 U.S.C. 1973ff et seq.)* and make appropriate amendments to the state election law provisions to include the Uniformed Services groups referenced above.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Montana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fourteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Nebraska enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests. We recommend expanded use of this alternative to include electronic transmission of the unvoted ballot to the voters covered by UOCAVA, and accepting the voted ballot from these voters via electronic transmission. **Twelve** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than

Federal offices. **Nine** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Nebraska money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Nebraska's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fourteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Nevada currently allows members of the Armed Forces, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Nevada expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the termination date of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home from employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised due to time and location constraints, by allowing them to cast a ballot when they would not otherwise have been able to vote.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process to include electronic transmission of the FPCA for registration by all citizens voting under the Uniformed and Overseas Citizens Absentee Voting Act, electronically sending the ballot to these citizens and accepting the voted ballot from these citizens where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Nevada provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Nevada's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special

procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.
The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New Hampshire military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, electronically sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Hampshire's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We realize that **New Jersey allows persons recently separated from the Uniformed Services and their family members as well as civilians attached to or serving with the Uniformed Services to register late and obtain an emergency voting form.** We recommend this option be expanded to civilian citizens returning to New Jersey after overseas employment. Many of these citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that New Jersey enacted legislation to provide for the electronic transmission of the FPCA for ballot request, the electronic receipt of the blank ballot by the voter, and accepting an overseas ballot by electronic means. We encourage expanded use of this alternative to accept electronic transmission of the FPCA for registration purposes and to include electronically accepting the voted ballot from the Uniformed Services voter who is out of the state, but not necessarily overseas, on election day where these circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, or a family member, and is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend New Jersey provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,** citizens

would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or merchant marine, or a family member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Jersey's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that New Mexico **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend New Mexico provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from

the state in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the

Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New York military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. This is why it is necessary to allow a minimum of 45 days transit time for absentee ballots.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **New York allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that New York provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of the *Federal Voting Assistance Act of 1955* and the *Overseas Citizens Voting Rights Act of 1975* into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the New York election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the New York Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints. Currently, forty-nine states allow electronic transmission of election materials.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We enlist your support once again this year in developing the **acceptance of electronic transmission for all parts of the process**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider using modern technology in the absentee voting process. We encourage the use of this alternative to include the **electronic transmission of the FPCA for registration and ballot request, the blank ballot to the voter, and the voted ballot from the voter** where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A county board of elections official may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely

manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*

- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that New York's **Chief Election Official (CEO) have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The CEO and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Return of Voted Ballot by Close of Polls on Election Day

North Carolina continues to require *UOCAVA* voters to return their voted ballot by 5:00 p.m. on the day before the election. This deadline, of course, is a day earlier than the deadline for voting if these citizens were voting in person. This could also present a problem for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. For this reason we recommend that North Carolina **accept voted ballots from all *UOCAVA* citizens until the close of polls on election day.** Only **four** other states require the return of the voted ballot before election day.

Sample Language

Citizens covered by UOCAVA must return their voted ballot so the local board of elections receives it by the close of polls on election day.

State Write-In Absentee Ballot

We also recommend that North Carolina provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in

absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 ——— days before the election.*

Late Registration Procedures

We realize that North Carolina currently **allows persons recently separated from the Armed Forces to register and vote in person up to and including election day.** We recommend expanding this option to Uniformed Services family members and to citizens returning from overseas employment. Many of these citizens go through a transition period and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Ohio's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

We realize that Ohio enacted legislation to provide for electronic transmission of the FPCA for ballot request and electronic transmission of the blank ballot to voters in the Uniformed Services. We encourage expanded use of this alternative to all UOCAVA citizens to include electronic transmission of the Federal Post Card Application for registration, electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Sample Language

An applicant who is a member of the United States Uniformed Services, the merchant marine, a family member, or is a qualified elector living outside the United States, may apply for

registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expansion of Late Registration Procedures

We realize that Ohio allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may not know in which state they will live. Others may move to a new state and not meet the state's residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services by separation from the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Waiver of Registration for Citizens Covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

While we realize that registration is waived in Ohio for members of the U.S. Armed Forces and their family members, we encourage expansion of this provision to include all groups covered in

the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* definitions. The following is an extract from the UOCAVA, 42 USC 1973ff-6. Section 107. Definitions:

“(1) "absent uniformed services voter" means --

- (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;
- (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and
- (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote

and

“(7) “uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration”.

The sample language below will accommodate this provision.

Sample Language

If you are a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act, your registration is waived and you may request an absentee ballot by submitting an FPCA so it is received by the county board of elections not later than 3 days before the election.

State Write-In Absentee Ballot

We also recommend Ohio provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas

organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oklahoma military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to the timely delivery of absentee ballots for those who request them. For Oklahoma, our *2004-2005 Voting Assistance Guide* states that local election officials mail out ballots approximately 30 days before an election. Yet, due to Oklahoma's late primary, if there is a run-off election, ballots could be sent out significantly less than 30 days before an election. Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-two** other states have increased their ballot transit times to greater than 30 days.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although we realize that Oklahoma enacted legislation to provide for the electronic transmission of the FPCA ballot request, and for the electronic transmission of the blank

ballot and acceptance of the voted ballot under certain limited circumstances, we encourage expanded use of this alternative to include the use of electronic transmission of the blank ballot and acceptance of the voted ballot on a regular basis, as an alternative method, not merely during certain limited circumstances.

Sample Language

An elections official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oregon military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Oregon provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expansion of Late Registration Procedures

We realize that Oregon allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services or the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Oregon has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request and electronic transmission of the blank ballot. We encourage expanded use of this alternative to include acceptance of the voted ballot from the voter by electronic transmission where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send a blank ballot to a voter and accept voted ballots via electronic transmission from eligible electors.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law. In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the**

submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Oregon's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Return of Voted Ballot by Close of Polls on Election Day

Pennsylvania continues to require voters covered under the *Uniformed and Overseas Absentee Voting Act (UOCAVA)* to return their voted ballot by 5:00 p.m. on the Friday before the election. This deadline is earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. For this reason we recommend that Pennsylvania accept voted ballots from all *UOCAVA* citizens until the close of polls on election day. Only **four** other states require the return of the voted ballot before election day.

Late Registration Procedures

We recommend that **Pennsylvania allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We request your support in developing the **acceptance of electronic transmission of absentee ballots in Pennsylvania.** With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize that Pennsylvania allows the submission of the Federal Post Card Application for registration and absentee ballot request. However, Pennsylvania now only allows the electronic transmission of the blank ballot

if a person in a designated hostile fire, imminent danger pay, combat zone or qualified hazardous duty area. Further, there is no faxing of the voted ballot in your state. We strongly encourage expanded use of this alternative to include the transmission of the blank ballot by fax to all *UOCAVA* voters and the acceptance of the voted ballot from all *UOCAVA* citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that **Pennsylvania's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces,

or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Puerto Rico election law requires that the FPCA and the ballot return envelope must be sworn to by a person authorized to administer oaths. Depending on the category of *UOCAVA* voter, the oath must be administered by a commissioned officer, the highest officer on board ship, an official in the school registrar's office, a notary public, or a consular officer. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. **Forty-eight** states and territories have eliminated the notary requirement on all election materials.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that **Puerto Rico allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in Puerto Rico just prior to an election and this time frame does not meet Puerto Rico's normal residency requirements. Often, the date of discharge or termination of overseas employment and a commonwealth's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states and territories currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular commonwealth deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special State Write-In Absentee Ballot

We also recommend that Puerto Rico provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from Puerto Rico in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from Puerto Rico. They do not know in advance that they need the FWAB. If the regular absentee ballot from Puerto Rico does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, commonwealth, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. Puerto Rico will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner.

Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the commonwealth for general election and Federal offices if:

- (1) the information submitted complied with the commonwealth's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate commonwealth election official not less than 30 days before the election.

The adoption of this initiative would save the commonwealth money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, commonwealth and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the commonwealth of Puerto Rico;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate Puerto Rico election official not less than 30 days before the election.*

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Commonwealth Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the commonwealth's election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. **Thirty-six** states and territories now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although Puerto Rico currently allows requesting an absentee ballot electronically once registered, we encourage the use of this alternative to include the electronic transmission of the FPCA for registration, and electronically sending the unvoted ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. **Twelve** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the unvoted ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The Commonwealth Elections Commission may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Nine states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the Commonwealth of Puerto Rico has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Puerto Rico's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fourteen** states and territories have passed legislation giving

the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this commonwealth, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the Commonwealth.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

Despite the alternative of mailing the official state blank ballot 45 days before an election if the official ballot is not yet available, Rhode Island military and overseas voters continue to have an extremely short period of time to receive, vote, and return their absentee ballots in order to be counted (21 days) in the regular absentee ballot delivery process. While electronic transmission of election materials offers an alternative to speed ballot transit time, inadequate ballot transit time through the mail remains the primary obstacle to timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Rhode Island's **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

We note that Governor Carcieri recently signed into law legislation naming the Secretary of State the Chief State Election Official in Rhode Island and that your Legislative Implementation Report for 2003 anticipated that in the 2004 session of the General Assembly, the Rhode Island General Laws would be amended to include the provision for emergency authority for the chief election official. If we can help in this effort, please let us know.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency

orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to use of modern technology in the absentee voting process. We realize South Carolina has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request and for the electronic transmission of the blank ballot and acceptance of the voted ballot in emergency situations only. We encourage expanded use of this alternative to include the use of electronic transmission of the blank ballot and acceptance of the voted ballot on a regular basis, as an alternative method, not merely during emergencies.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Late Registration Procedures

We recommend that Tennessee **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Tennessee enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronic transmission of the FPCA for registration, electronically sending the blank ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample language allowing for these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election.

Use of FWAB as state special write-in by all UOCAVA citizens:

A citizen voting under the UOCAVA who, due to military or other contingencies that preclude normal mail delivery who will be unable to vote by regular absentee ballot, may use a Federal Write-In Absentee Ballot to vote in Federal elections for Federal office for the candidate of his or her choice.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Tennessee's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting

Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

Section 2-6-112 of the Tennessee Election Law refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Late Registration Procedures

Even though Texas has enacted a 30-day registration deadline as a safeguard to prevent fraud, we still encourage Texas to **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late, e.g., up to the day of the election, or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election (within 30 days of the election). This time frame does not meet your state's current registration requirements.

Further, the date of discharge or termination of overseas employment and the Texas registration requirement may combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently have such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We realize that Texas provides a state special write-in absentee ballot to Uniformed Services members if they are unable to cast a ballot on election day or during the early voting period because of a military contingency. We recommend expansion of this state write-in absentee ballot to **provide a method for voting by other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Thus, we request your support **to develop acceptance in Texas for the electronic transmission of the blank and voted ballots to all UOCAVA voters**. With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of this modern technology in the absentee voting process. We realize that Texas provides for the electronic transmission of the FPCA for registration and early voting ballots. Additionally, in 1997, Texas enacted legislation to allow the electronic transmission of the voted ballot by members of the U.S. Armed Forces on active duty overseas, or their family members, if the Armed Forces members are casting the ballot from an area where the members are eligible to receive hostile fire pay or imminent danger pay, or that has been designated by the President of the United States as a combat zone. However, we continue to encourage expanded use of this alternative to include electronically sending the blank ballot to all Texas UOCAVA voters who request it and accepting the voted ballot where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

We recognize that Texas recently passed a law that expanded the use of the Federal Write-In Absentee Ballot (FWAB) to any special, primary or runoff election for Federal offices. In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve ballot transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB

transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that instead of the Texas Governor, Texas' **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Federal Voting Assistance Program is in closer contact with the Chief Election Official and could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Vermont military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states have provisions for the 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Vermont's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Removal of Notary Requirement

Current Vermont election law requires that the FPCA used to register must be notarized. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid **\$90** to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, many small military installations may have no commissioned officer assigned.

Alternatively, we recommend unregistered applicants be instructed to read the Freeman's Oath prior to signing the FPCA. Item 8e of the 1995 FPCA contains language where the applicant swears/affirms under penalty of perjury that he or she is "a U.S. citizen, eligible to vote in the above jurisdiction and subscribe to any required state/local oath or statement." This would eliminate the need to attach the oath to the FPCA. For the reasons stated above, we recommend **removal of the notary requirement for all absentee balloting materials**. Forty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Vermont currently allows for electronic transmission of the FPCA for registration and ballot request and electronically sending the blank ballot to the voter. We encourage enacting legislation for acceptance of the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample legislation that will provide for this alternative.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Vermont **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

State Write-In Absentee Ballot

We also recommend Vermont provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from the State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now have state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. Thirty-six states have modified state election code to reference UOCAVA.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Late Registration Procedure

The Virgin Islands currently allows members of the Armed Forces and merchant marine, discharged within 60 days of an election and who return to the Virgin Islands too late to register, to vote in the upcoming election. We recommend that the Virgin Islands expand the scope of this procedure and **allow Uniformed Services personnel (Coast Guard, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration), civilians recently separated from overseas employment, and the spouses and dependents of all these groups to be eligible for the same procedure.** These citizens also go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. Expanding the scope of your existing procedure would solve this problem. **Fifteen** states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Special Write-in Absentee Ballot

We also recommend the Virgin Islands provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows voting for Federal offices only. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general election and Federal offices if:

- (1) the information submitted complies with the registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

- (3) the request is received by the appropriate election official not less than 30 days before the election.

The adoption of this initiative would save Virgin Islands money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with Virgin Islands registration requirements;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Twelve** states have already passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of this modern technology in the absentee voting process. We realize Virginia has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request. We also note that Virginia has conducted pilot projects with the transmission of blank ballots by electronic mail. We continue to support your electronic voting projects and encourage expanded use of this alternative to include sending the blank ballot to the voter and accepting the voted ballot from the voter by facimile where circumstances would otherwise disenfranchise a citizen. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply

for and vote by absentee ballot. An election official may send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, Virginia law allows the Federal Write-In Absentee Ballot (FWAB) to be used in all elections and from inside or outside the United States. However, we continue to recommend that the FWAB transmission envelope be accepted as **a request for registration simultaneously with the submission of the completed FWAB**. We realize that the legislation has been passed providing that the FWAB can be used to serve as an application for an absentee ballot and the absentee ballot itself for Federal offices provided it was received by the Registrar by the normal deadline for receipt of mailed absentee ballot application (5 days prior to the election). Consideration should be given to simplify the registration and request for absentee ballot request process and improve ballot transit time through the use of the FWAB. It should be noted that the information requested on the FWAB transmission envelope, is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). This does not change the data required from your state for these citizens. The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

The Need for 45-day Ballot Transit Time

The most persistent problem which continues to face Washington military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices.** This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedure

We recommend that **Washington allow persons recently separated from the Uniformed Services, the merchant marine or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting Washington's 15-day late registration deadline. We recommend that UOCAVA citizens be permitted to register up to the day of the next ensuing election when these circumstances arise. **Twenty-six** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-six** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the state Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Nine** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save Washington money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Twelve** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Washington's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fourteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving *United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.*

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Wisconsin military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Although Wisconsin local election officials mail absentee ballots 30 days before the general and 21 days before the primary elections, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Notary Requirement

Current Wisconsin election law requires that, for military voters, the certificate-affidavit on the ballot return envelope must be sworn to by a person authorized to administer oaths or witnessed by two adult U.S. citizens. Additionally, for overseas citizens who are required to register, the FPCA must be witnessed by any person authorized to administer oaths or one adult U.S. citizen. We recommend **removal of the notary and witness requirements for all absentee balloting materials**. Forty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Wisconsin **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Wisconsin enacted legislation to provide for the electronic transmission of the FPCA for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wisconsin's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

State Write-In Absentee Ballot

We recommend that Wyoming provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. The FWAB allows voting for Federal offices only. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure near real-time delivery of election materials between the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time substantially.

We note that Wyoming permits absentee ballot requests to be made by telephone and email. We encourage the further use of electronic transmission to include electronically sending the Federal Post Card Application (FPCA) for registration and absentee ballot request, sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the merchant marine, or their family members, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Nine other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wyoming's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

July 31, 2012

The Honorable W. Fox McKeithen
Secretary of State
300 State Capitol Drive
Baton Rouge, LA 70804-9125

Dear Secretary McKeithen:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Blanco with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Dan Gwadosky
Secretary of State
148 State House Station
Augusta, ME 04333-0148

Dear Secretary Gwadosky:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Baldacci with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Ms. Linda H. Lamone
Administrator
State Administrative Board of Election Laws
P.O. Box 6486
Annapolis, MD 21401-0486

Dear Ms. Lamone:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Ehrlich with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable William Francis Galvin
Secretary of the Commonwealth
State House, Room 337
Boston, MA 02133

Dear Secretary Galvin:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Romney with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Terri L. Land
Secretary of State
Treasury Bldg., First Floor
430 W. Allegan Street
Lansing, MI 48918-9900

Dear Secretary Land:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Granholm with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Mary Kiffmeyer
Secretary of State
180 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1299

Dear Secretary Kiffmeyer:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Pawlenty with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Eric Clark
Secretary of State
P.O. Box 136
Jackson, MS 39205-0136

Dear Secretary Clark:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Barbour with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Robin Carnahan
Secretary of State
P.O. Box 1767
Jefferson City, MO 65102

Dear Secretary Carnahan:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Blunt with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Bob Brown
Secretary of State
State Capitol, Room 260
PO Box 202801
Helena, MT 59620-2801

Dear Secretary Brown:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Martz with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable John Gale
Secretary of State
State Capitol, Suite 2300
P.O. Box 94608
Lincoln, NE 68509-4608

Dear Secretary Gale:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Johanns with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Dean Heller
Secretary of State
Capitol Complex
Carson City, NV 89710

Dear Secretary Heller:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Guinn with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable William M. Gardner
Secretary of State
State House, Room 204
Concord, NH 03301

Dear Secretary Gardner:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Benson with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Peter C. Harvey
Attorney General
Hughes Justice Complex
P.O. Box 304
Trenton, NJ 08625-0300

Dear Mr. Harvey:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Richardson with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Rebecca Vigil-Giron
Secretary of State
State Capitol North Annex
Suite 300
Santa Fe, NM 87503

Dear Secretary Vigil-Giron:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Richardson with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Mr. Peter S. Kosinski
Executive Director, State Board of Elections
40 Steuben Street
Albany, NY 12207-2109

Dear Mr. Kosinski:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Pataki with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Mr. Gary O. Bartlett
Executive Secretary/Director
P.O. Box 27255
Raleigh, NC 27611-7255

Dear Mr. Bartlett:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Easley with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Alvin Jaeger
Secretary of State
State Capitol, 1st Floor Dept 108
600 East Boulevard Ave.
Bismarck, ND 58505-0500

Dear Secretary Jaeger:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Hoeven with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable J. Kenneth Blackwell
Secretary of State
180 E. Broad Street
16th Floor
Columbus, OH 43215

Dear Secretary Blackwell:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Taft with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Ms. Glo Henley
Chairperson
State Election Board
P.O. Box 53156
Oklahoma City, OK 73152

Dear Ms. Henley:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Henry with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Bill Bradbury
Secretary of State
136 State Capitol Building
Salem, OR 97310-0722

Dear Secretary Bradbury:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Kulongoski with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Pedro Cortes
Secretary of the Commonwealth
302 North Office Building
Harrisburg, PA 17120-0029

Dear Secretary Cortes:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Rendell with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Matthew Brown
Secretary of State
218 State House
Providence, RI 02903

Dear Secretary Brown:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Carcieri with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Ms. Marci Andino
Executive Director
State Election Commission
2221 Devine Street
Suite 105
Columbia, SC 29205-5987

Dear Ms. Andino:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Sanford with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Chris Nelson
Secretary of State
State Capitol Bldg., Suite 204
500 E Capitol
Pierre, SD 57501-5070

Dear Secretary Nelson:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Rounds with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Riley C. Darnell
Secretary of State
312 Eighth Avenue North
6th Floor, William R. Snodgrass Tower
Nashville, TN 37243

Dear Secretary Darnell:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Bredesen with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Geoffrey S. Connor
Secretary of State
P.O. Box 12887
Austin, TX 78711-2887

Dear Secretary Connor:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Perry with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Deborah Markowitz
Secretary of State
26 Terrace Street, Drawer 9
Montpelier, VT 05609-1101

Dear Secretary Markowitz:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Douglas with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Ms. Jean Jensen
Secretary, State Board of Elections
200 N. 9th St., Ste. 101
Richmond, VA 23219-3497

Dear Ms. Jensen:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Warner with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Sam Reed
Secretary of State
Legislative Building, 2nd Floor
P.O. Box 40220
Olympia, WA 98504-0220

Dear Secretary Reed:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Locke with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

January 17, 2005

The Honorable Betty Ireland
Secretary of State
Building 1, Suite 157K
1900 Kanawha Boulevard E
Charleston, WV 25305-0770

Dear Secretary Ireland:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Manchin with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Mr. Kevin J. Kennedy
Executive Director
P.O. Box 2973
Madison, WI 53701-2973

Dear Mr. Kennedy:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Doyle with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Joseph B. Meyer
Secretary of State
State Capitol Building
Room 106
Cheyenne, WY 82002-0020

Dear Secretary Meyer:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Freudenthal with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Mr. Soliai T. Fuimaono
Chief Election Officer
PO Box 3970
Pago Pago, AS 96799-3970

Dear Mr. Fuimaono:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Tulafono with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Sherry Hobbs-Newman
Secretary of the District of Columbia
1350 Pennsylvania Ave., NW, Suite 1130
Washington, DC 20004

Dear Secretary Hobbs-Newman:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Mayor Williams with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Kaleo Moylan
Lieutenant Governor
PO Box 2950
Agana, GU 96932

Dear Lieutenant Governor Moylan:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Camacho with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Mr. Aurelio Gracias Morales
President, State Elections Commission
State Elections Commission
P.O. Box 195552
San Juan, PR 00919-5552

Dear Mr. Gracias Morales:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Calderon with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Vargrave A Richards
Lieutenant Governor
Office of the Lieutenant Governor
Charlotte Amalie
St. Thomas, VI 00802

Dear Lieutenant Governor Richards:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Turnbull with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Nancy L. Worley
Secretary of State
Alabama State Capitol, Room S-105
600 Dexter Avenue
Montgomery, AL 36103

Dear Secretary Worley:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Riley with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Loren Leman
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Dear Lieutenant Governor Leman:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Murkowski with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Jan Brewer
Secretary of State
State Capitol , West Wing, 7th Floor
1700 W. Washington
Phoenix, AZ 85007-2808

Dear Secretary Brewer:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Napolitano with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Charlie Daniels
Secretary of State
256 State Capitol Building
Little Rock, AR 72201

Dear Secretary Daniels:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Hukabee with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Kevin Shelley
Secretary of State
1500 11th Street
Sacramento, CA 95814-2974

Dear Secretary Shelley:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Schwarzenegger with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Donetta Davidson
Secretary of State
1560 Broadway, Suite 200
Denver, CO 80202

Dear Secretary Davidson:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Owens with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Susan Bysiewicz
Secretary of State
State Capitol, Room 104
210 Capitol Avenue
Hartford, CT 06106

Dear Secretary Bysiewicz:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Rell with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Frank Calio
Commissioner of Elections
32 West Loockerman Street, Suite M101
Dover, DE 19904

Dear Commissioner Calio:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Minner with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Glenda E. Hood
Secretary of State
Collins Building
107 West Gaines St.
Tallahassee, FL 32399-0250

Dear Secretary Hood:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Bush with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Cathy Cox
Secretary of State
State Capitol, Room 214
Atlanta, GA 30334

Dear Secretary Cox:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Purdue with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Ben Ysura
Secretary of State
700 West Jefferson
Suite 203
Boise, ID 83720-0080

Dear Secretary Ysursa:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Kempthor with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Mr. Daniel White
Executive Director
State Board of Elections
1020 S Spring Street
Springfield, IL 62704

Dear Mr. White:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Blagojevich with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Todd Rokita
Secretary of State
State House, Room 201
Indianapolis, IN 46204

Dear Secretary Rokita:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Kernan with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Chet Culver
Secretary of State
Lucas Building, 1st Floor
321 E 12th St
Des Moines, IA 50319

Dear Secretary Culver:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Vilsack with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Ron Thornburgh
Secretary of State
1st fl. Memorial Hall
120 SW 10th
Topeka, KS 66612-1594

Dear Secretary Thornburgh:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Sebelius with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Trey Grayson
Secretary of State
State Capitol, Room 152
700 Capitol Avenue
Frankfort, KY 40601-3493

Dear Secretary Grayson:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Fletcher with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Gayle McKeachnie
Lieutenant Governor
Utah State Capitol Complex
Suite E325
Salt Lake City, UT 84114-0607

Dear Lieutenant Governor McKeachnie:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Walker with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Arnold Schwarzenegger
Governor
State Capitol Building
Sacramento, CA 95814

Dear Governor Schwarzenegger:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing California's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the California legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for California's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from California. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to California's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to California's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in California's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Bob Taft
Governor
77 South High St., 30th Floor
Columbus, OH 43215-6117

Dear Governor Taft:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Ohio's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the Ohio legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Ohio's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Ohio. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Ohio's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Ohio's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Ohio's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Robert R. Riley
Governor
Alabama State Capitol
Montgomery, AL 36130

Dear Governor Riley:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Alabama's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Alabama legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Alabama's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Alabama. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Alabama's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Alabama's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Alabama's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Frank H. Murkowski
Governor
Alaska State Capitol
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Murkowski:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Alaska's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Alaska legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Alaska's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Alaska. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Alaska's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Alaska's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Alaska's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Janet Napolitano
Governor
Arizona State House
Phoenix, AZ 85007

Dear Governor Napolitano:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Arizona's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Arizona legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Arizona's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Arizona. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Arizona's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Arizona's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Arizona's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Mike Huckabee
Governor
Arkansas State Capitol
Little Rock, AR 72201

Dear Governor Huckabee:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Arkansas's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives that the Arkansas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Arkansas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Arkansas. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Arkansas's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Arkansas's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Arkansas's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Bill F. Owens
Governor
136 State Capitol
Denver, CO 80203-1792

Dear Governor Owens:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Colorado's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Colorado legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Colorado's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Colorado. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Colorado's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Colorado's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Colorado's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable M. Jody Rell
Governor
Connecticut State Capitol
210 Capitol Avenue
Hartford, CT 06106

Dear Governor Rell:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Connecticut's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the Connecticut legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Connecticut's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Connecticut. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Connecticut's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Connecticut's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Connecticut's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other

states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Ruth Ann Minner
Governor
Delaware Legislative Hall
Dover, DE 19901

Dear Governor Minner:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Delaware's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Delaware legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Delaware's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Delaware. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Delaware's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Delaware's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Delaware's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Jeb Bush
Governor
PL 05 The Capitol
400 South Monroe St.
Tallahassee, FL 32399-0001

Dear Governor Bush:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Florida's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Florida legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Florida's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Florida. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Florida's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Florida's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Florida's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Sonny Purdue
Governor
Office of the Governor
203 State Capitol
Atlanta, GA 30334

Dear Governor Purdue:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Georgia's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Georgia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Georgia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Georgia. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Georgia's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Georgia's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Georgia's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Linda Lingle
Governor
Hawaii State Capitol
Honolulu, HI 96813

Dear Governor Lingle:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Hawaii's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Hawaii legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Hawaii's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Hawaii. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Hawaii's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Hawaii's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Hawaii's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Dirk Kempthorne
Governor
Office of the Governor
700 W. Jefferson, 2nd Floor
PO Box 83720
Boise, ID 83720-0034

Dear Governor Kempthorne:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Idaho's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Idaho legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Idaho's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Idaho. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Idaho's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Idaho's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Idaho's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We

have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Rod Blagojevich
Governor
Illinois State Capitol
Springfield, IL 62706

Dear Governor Blagojevich:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Illinois's existing election code and procedures to include possible changes due to recent federal legislation, I have identified nine initiatives that the Illinois legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Illinois's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Illinois. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Illinois's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Illinois's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Illinois's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Mitchell E. Daniels, Jr.
Governor
Indiana State Capitol, Room 206
Indianapolis, IN 46204-2797

Dear Governor Daniels:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Indiana's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives that the Indiana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Indiana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Indiana. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Indiana's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Indiana's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Indiana's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Thomas J. Vilsack
Governor
Iowa State Capitol
Des Moines, IA 50319

Dear Governor Vilsack:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Iowa's existing election code and procedures to include possible changes due to recent federal legislation, I have identified two initiatives that the Iowa legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Iowa's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Iowa. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Iowa's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Iowa's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Iowa's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Kathleen Sebelius
Governor
Kansas State House
Topeka, KS 66612

Dear Governor Sebelius:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Kansas's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Kansas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Kansas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Kansas. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Kansas's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Kansas's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Kansas's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Ernest L. Fletcher
Governor
Kentucky State Capitol
Frankfort, KY 40601

Dear Governor Fletcher:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Kentucky's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the Kentucky legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Kentucky's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Kentucky. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Kentucky's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Kentucky's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Kentucky's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Kathleen Blanco
Governor
Office of the Governor
P. O. Box 94004
Baton Rouge, LA 70804

Dear Governor Blanco:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Louisiana's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Louisiana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Louisiana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Louisiana. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Louisiana's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Louisiana's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Louisiana's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable John E. Baldacci
Governor
Maine State House
Augusta, ME 04330

Dear Governor Baldacci:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Maine's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the Maine legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Maine's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Maine. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Maine's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Maine's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Maine's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Robert Ehrlich
Governor
Maryland State House
100 State Circle
Annapolis, MD 21401

Dear Governor Ehrlich:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Maryland's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Maryland legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Maryland's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Maryland. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Maryland's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Maryland's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Maryland's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Mitt Romney
Governor
Massachusetts State House
State House, Room 360
Boston, MA 02133

Dear Governor Romney:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Massachusetts's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Massachusetts legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Massachusetts's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Massachusetts. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Massachusetts's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Massachusetts's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Massachusetts's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other

states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Jennifer Granholm
Governor
Governor's Office
P.O. Box 30013
Lansing, MI 48909

Dear Governor Granholm:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Michigan's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives that the Michigan legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Michigan's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Michigan. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Michigan's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Michigan's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Michigan's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Tim Pawlenty
Governor
Minnesota State Capitol
130 State Capitol
St. Paul, MN 55155

Dear Governor Pawlenty:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Minnesota's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the Minnesota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Minnesota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Minnesota. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Minnesota's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Minnesota's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Minnesota's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if

desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Haley Barbour
Governor
PO Box 139
Jackson, MS 39205

Dear Governor Barbour:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Mississippi's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives that the Mississippi legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Mississippi's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Mississippi. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Mississippi's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Mississippi's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Mississippi's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Matt Blunt
Governor
Missouri State Capitol, Room 218
Jefferson City, MO 65102-0720

Dear Governor Blunt:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Missouri's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Missouri legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Missouri's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Missouri. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Missouri's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Missouri's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Missouri's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Brian Schweitzer
Governor
Montana State Capitol
Helena, MT 59620-0801

Dear Governor Schweitzer:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Montana's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Montana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Montana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Montana. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Montana's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Montana's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Montana's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Mike Johanns
Governor
Nebraska State Capitol
Lincoln, NE 68509

Dear Governor Johanns:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Nebraska's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Nebraska legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Nebraska's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Nebraska. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Nebraska's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Nebraska's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Nebraska's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Kenny Guinn
Governor
Nevada State Capitol
Carson City, NV 89710

Dear Governor Guinn:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Nevada's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Nevada legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Nevada's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Nevada. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Nevada's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Nevada's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Nevada's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

December 17, 2004

The Honorable John Lynch
Governor
New Hampshire State House
Room 208-214
Concord, NH 03301

Dear Governor Lynch:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing New Hampshire's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the New Hampshire legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for New Hampshire's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from New Hampshire. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to New Hampshire's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to New Hampshire's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in New Hampshire's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other

states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Bill Richardson
Governor
State Capitol
Room 400
Santa Fe, NM 87503

Dear Governor Richardson:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing New Mexico's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the New Mexico legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for New Mexico's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from New Mexico. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to New Mexico's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to New Mexico's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in New Mexico's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if

desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable George E. Pataki
Governor
New York State Capitol
Albany, NY 12224

Dear Governor Pataki:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing New York's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the New York legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for New York's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from New York. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to New York's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to New York's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in New York's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Mike Easley
Governor
North Carolina State Capitol
20301 Mail Service Center
Raleigh, NC 27699

Dear Governor Easley:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing North Carolina's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the North Carolina legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for North Carolina's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from North Carolina. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to North Carolina's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to North Carolina's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in North Carolina's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other

states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable John Hoeven
Governor
North Dakota State Capitol
Bismark, ND 58505

Dear Governor Hoeven:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing North Dakota's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the North Dakota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for North Dakota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from North Dakota. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to North Dakota's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to North Dakota's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in North Dakota's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if

desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Brad Henry
Governor
Oklahoma State Capitol
Room 212
Oklahoma City, OK 73105

Dear Governor Henry:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Oklahoma's existing election code and procedures to include possible changes due to recent federal legislation, I have identified two initiatives that the Oklahoma legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Oklahoma's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Oklahoma. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Oklahoma's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Oklahoma's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Oklahoma's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if

desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Ted Kulongoski
Governor
Oregon State Capitol Building
900 Court Street, NE
Salem, OR 97310-4047

Dear Governor Kulongoski:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Oregon's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Oregon legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Oregon's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Oregon. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Oregon's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Oregon's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Oregon's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Edward Rendell
Governor
225 Main Capital Bldg
Harrisburg, PA 17120

Dear Governor Rendell:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Pennsylvania's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Pennsylvania legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Pennsylvania's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Pennsylvania. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Pennsylvania's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Pennsylvania's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Pennsylvania's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if

desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Don Carcieri
Governor
Rhode Island State House, Rm 115
Providence, RI 02903-1196

Dear Governor Carcieri:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Rhode Island's existing election code and procedures to include possible changes due to recent federal legislation, I have identified two initiatives that the Rhode Island legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Rhode Island's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Rhode Island. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Rhode Island's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Rhode Island's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Rhode Island's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Mark Sanford
Governor
Office of the Governor
P.O. Box 12267
Columbia, SC 29211

Dear Governor Sanford:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing South Carolina's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives that the South Carolina legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for South Carolina's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from South Carolina. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to South Carolina's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to South Carolina's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in South Carolina's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other

states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Mike Rounds
Governor
South Dakota State Capitol
Pierre, SD 57501

Dear Governor Rounds:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing South Dakota's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the South Dakota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for South Dakota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from South Dakota. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to South Dakota's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to South Dakota's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in South Dakota's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if

desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Phil Bredesen
Governor
Tennessee State Capitol
Nashville, TN 37243

Dear Governor Bredesen:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Tennessee's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Tennessee legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Tennessee's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Tennessee. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Tennessee's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Tennessee's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Tennessee's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Rick Perry
Governor
P.O. Box 12428
Austin, TX 78711

Dear Governor Perry:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Texas's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Texas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Texas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Texas. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Texas's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Texas's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Texas's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Jon Huntsman Jr.
Governor
203 State Capitol
Salt Lake City, UT 84114

Dear Governor Huntsman:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Utah's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Utah legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Utah's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Utah. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Utah's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Utah's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Utah's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable James H Douglas
Governor
Vermont State House
109 State Street, Pavilion
Montpelier, VT 05609-0101

Dear Governor Douglas:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Vermont's existing election code and procedures to include possible changes due to recent federal legislation, I have identified nine initiatives that the Vermont legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Vermont's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Vermont. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Vermont's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Vermont's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Vermont's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Mark Warner
Governor
Virginia State Capitol
Richmond, VA 23219

Dear Governor Warner:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Virginia's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives that the Virginia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Virginia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Virginia. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Virginia's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Virginia's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Virginia's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Gary Locke
Governor
Office of the Governor Legislative Bldg
P.O. Box
Olympia, WA 98504-4000

Dear Governor Locke:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Washington's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Washington legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Washington's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Washington. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Washington's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Washington's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Washington's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other

states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

January 17, 2005

The Honorable Joe Manchin III
Governor
West Virginia State Capitol
Charleston, WV 25305

Dear Governor Manchin:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing West Virginia's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the West Virginia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for West Virginia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from West Virginia. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to West Virginia's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to West Virginia's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in West Virginia's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if

desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Jim Doyle
Governor
115 East State Capitol
Madison, WI 53702

Dear Governor Doyle:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Wisconsin's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Wisconsin legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Wisconsin's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Wisconsin. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Wisconsin's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Wisconsin's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Wisconsin's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Dave Freudenthal
Governor
Wyoming State Capitol
Cheyenne, WY 82002

Dear Governor Freudenthal:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Wyoming's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Wyoming legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Wyoming's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Wyoming. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Wyoming's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Wyoming's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Wyoming's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Anthony Williams
Mayor of District of Columbia
1350 Pennsylvania Avenue, NW
Suite 221
Washington, DC 20004

Dear Mayor of District of Columbia Williams:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Washington, D.C.'s existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Washington, D.C. legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Washington, D.C.'s citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Washington, D.C.. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Washington, D.C.'s Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Washington, D.C.'s Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Washington, D.C.'s 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation

that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Togiola Tulafono
Governor
American Samoa State Capitol
PagoPago, AS 96799

Dear Governor Tulafono:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing American Samoa's existing election code and procedures to include possible changes due to recent federal legislation, I have identified initiatives that the American Samoa legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for American Samoa's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from American Samoa. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to American Samoa's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to American Samoa's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in American Samoa's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if

desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Felix Camacho
Governor
Executive Chambers
Agana, GU 96910

Dear Governor Camacho:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Guam's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives that the Guam legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Guam's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Guam. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Guam's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Guam's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Guam's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Aníbal Acevedo Vilá
Governor
Puerto Rico State Capitol
LaFortaleza San Juan, PR 00901

Dear Governor Acevedo Vilá:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Puerto Rico's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives that the Puerto Rico legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Puerto Rico's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Puerto Rico. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Puerto Rico's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Puerto Rico's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Puerto Rico's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Charles W. Turnbull
Governor
Government House
21-22 Kongens Gade
Charlotte Amalie St. Thomas, VI 00802

Dear Governor Turnbull:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Virgin Islands's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Virgin Islands legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Virgin Islands's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Virgin Islands. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Virgin Islands's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Virgin Islands's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Virgin Islands's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other

states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Richard J. Codey
Governor
125 W. State Street
P. O. Box 001
Trenton, NJ 08625

Dear Governor Codey:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing New Jersey's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the New Jersey legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for New Jersey's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from New Jersey. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to New Jersey's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to New Jersey's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in New Jersey's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if

desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact
- (1)

Late Registration Procedure

We recommend that Alabama **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Alabama's use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. **Thirteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. **Forty-nine** states allow electronic transmission of at least part of the absentee voting process. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Special Write-In Absentee Ballot

We also recommend Alabama provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame**. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does

not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alabama money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alabama's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics

transmission of voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that Alaska **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only.** This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American

membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alaska money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alaska's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Thirteen** states

have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

American Samoa 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current American Samoa election law requires that the FPCA must be sworn to by a person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S. or the Territories

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a citizen outside the Territory who has never lived in the Territory has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that American Samoa's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that American Samoa **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend American Samoa provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from American Samoa in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in

advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. Presently, there are eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow the chief election officer more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that American Samoa allows the electronic transmission of the FPCA for registration and absentee ballot request. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The chief election officer may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information that is requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.

The adoption of this initiative would save the territory money and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the territory;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.*

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face American Samoa military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Arizona 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arizona military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Arizona **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arizona's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Arkansas 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arkansas military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Arkansas allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Arkansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner.

Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the State money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Arkansas enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and that registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballots.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We**

recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 7-5-406 of the Arkansas Election Laws refers to the Overseas Citizens Voting Rights Act of 1975. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the *Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arkansas’s Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or

rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

California 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face California military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process,

improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are

subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that California's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. Fifteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Colorado 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Colorado military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Colorado **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission of election materials has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Colorado has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Ten other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Connecticut 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Connecticut military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize that Connecticut provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Connecticut enacted legislation to provide for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. However, voters using the FPCA to register are required to simultaneously mail the original, which must arrive by 5:00 p.m. on the day before the election for the ballot to be counted. The electronic transmission methodology is there to ensure the FPCA is received by the state's deadline. If the electronically transmitted FPCA for registration is not recognized until the mail version is received then the availability of electronic transmission is of no benefit to the voter. We realize the original FPCA should be mailed in all cases regardless, however we urge an extension to the acceptance deadline for the original FPCA when the voter has utilized the electronically transmitted option.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We realize that Connecticut law allows recently discharged members of the military returning to the state too late to register during the regular registration period to register to vote up until 5:00 p.m. on the last weekday before an election. We recommend that **Connecticut allow persons recently separated from overseas employment, and their family members, to be able to register late or be exempt from registration.** Many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet the normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem.

Sample Language

A person who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Connecticut extend the availability of the state write-in absentee ballot to non-Uniformed Services overseas electors. The purpose of the state write-in absentee ballot is to **provide a method for voting by persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Use of the Federal Write-In Absentee Ballot (FWAB)

The state of Connecticut is exempt from use of the Federal Write-In Absentee Ballot (FWAB) by Section 103 (f) in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These statements exempt states that make ballots available to military voters at least 90 days before the general election and as soon as the candidate list is available for other UOCAVA citizens.

The intent of the Federal Write-In Absentee Ballot (FWAB) is to aid the enfranchisement of U.S. citizens overseas wishing to vote for Federal Offices in general elections who make timely application for, but do not receive an absentee ballot.

The intent of the current Connecticut Special Write-In Absentee Ballot is to assist members of the military and their family members who are not able to follow the regular absentee ballot application procedure.

The Connecticut Special Write-In Absentee Ballot does not accommodate citizens who request a state absentee ballot in a timely manner and do not receive it in time to vote and return it to meet the state's ballot deadline. The FWABs, which are prepositioned at military installations and U.S. Embassies and Consulates worldwide fulfill this purpose for all overseas U.S. citizens except those whose legal residence is Connecticut.

We recommend that Connecticut allow overseas UOCAVA citizens who have requested a state absentee ballot in a timely manner and not received it in time to vote and return it to meet the state's ballot deadline be allowed to use the Federal Write-In Absentee Ballot.

Sample Language

The Federal Write-In Absentee Ballot (FWAB) will be accepted from uniformed services and overseas voters who make timely application for, and do not receive a regular absentee ballot. The following rules shall apply with respect to the FWAB:

(1) In completing the ballot, the overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of the political party (in which case the ballots shall be counted for the candidate of that political party).

(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of the political party shall be counted as a vote for the electors supporting the candidate involved.

(3) Any abbreviation, misspelling, or other minor variation in the spelling of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Connecticut's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

District of Columbia 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that the District of Columbia **allow persons recently separated from the Uniformed Services or overseas employment and their family members to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in the District of Columbia just prior to an election. This time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and registration requirements combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend that the District of Columbia provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal timeframe.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB

was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize the District of Columbia allows electronic transmission of the FPCA for registration and absentee ballot request and permits faxing of the absentee ballot when military service prevents the voter from receiving and returning the voted ballot. However, we encourage you to expand the use of this alternative to include electronic transmission of the blank and voted ballots for all military and overseas citizens, electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate these alternatives.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies

and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general elections and Federal offices if:

- (1) the information submitted complies with the District's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter resides outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the jurisdiction;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in the U.S., they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote.

Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Delaware 2005 Legislative Initiatives and Sample Language

Return of Voted Ballot by Close of Polls on Election Day

We notice Delaware requires UOCAVA voters to return their voted ballot by 12:00 noon on the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Delaware accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process. We realize Delaware has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for electronically sending the ballot to the voter and accepting the voted ballot from the voter.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that **Delaware allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Delaware's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We

recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Florida 2005 Legislative Initiatives and Sample Language

State Write-In Absentee Ballot

We recommend that Florida provide a state write-in absentee ballot for **all elections**. We commend you for passing legislation that allowed for a state write-in ballot for general elections. However, we request that you expand this to all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame for all elections**. Thus, a voter would know that they could exercise their right to vote for all Florida elections, not just one. We encourage you to include this in your next legislative package.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently in Florida, the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We

recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have

passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Although Florida passed legislation allowing the electronic transmission of the blank ballot and receipt of the voted ballot by overseas U.S. citizens, we encourage you to expand the use of this alternative. We request that Florida allow election officials to electronically send the blank ballot and accept the voted ballot electronically from military voters **in the U.S.**, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate this alternative.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors via electronic transmission.

Georgia 2005 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Georgia's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Georgia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Georgia enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and the registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure

enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Guam 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current Guam election law requires that the ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Guam's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Guam allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Guam Election Code

The Guam Election Code refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the Guam election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the Guam Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Special Write-In Absentee Ballot

We also recommend Guam provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from Guam in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state or territory does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration and ballot request, sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.*

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Hawaii military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Hawaii allow persons recently separated from the Uniformed Services, the merchant marine, or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Although Hawaii Revised Statute Section 15-3 states "...any former registered voter of Hawaii may vote an absentee ballot in any presidential election occurring within twenty-four months after leaving Hawaii...", This statute does not cover members of the Uniformed Services, the merchant marine, or citizens employed overseas, and family members that have been away for over 24 months. Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. A special late registration procedure for these circumstances would solve this problem. **Twenty-six** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state

deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. While Hawaii offers electronic transmission of election materials, the fact remains that by **expanding the use of the FWAB to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Hawaii money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

State Special Write-In Absentee Ballot

We also recommend Hawaii provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Idaho 2005 Legislative Initiatives and Sample Language

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under the *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Idaho's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country whom may have otherwise been unable to vote. This initiative has helped ensure these

citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Idaho allows for the electronic transmission of the Federal Post Card Application (FPCA) for absentee ballot request. We recommend expanded use of this alternative to include electronic transmission of the FPCA request for registration as well as electronic transmission of the blank ballot to the voter and acceptance of the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Idaho **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Idaho provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the State in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the State. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election

and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the*

request is submitted; and

- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Late Registration Procedures

Illinois currently allows members of the Armed Forces or merchant marine, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Illinois expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's 30-day residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Application for Ballot by Proxy to Overseas Citizens

Currently, Illinois allows spouses, and other family members, to use a special application provided by the local election official to request that an absentee ballot be mailed to members of the Uniformed Services. **We recommend this option be expanded to allow spouses and other family members of overseas civilian citizens to request an absentee ballot be mailed to them.**

Sample Language

If a spouse, dependent, mother, father, sister or brother of a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is registered to vote in the same county as that citizen, he or she may request that an absentee ballot be mailed to that voter by completing a special application provided by the local election official.

State Special Write-In Absentee Ballot

We also recommend Illinois provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by**

military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame. A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic

transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Illinois enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for ballot requests by members of the Armed Forces. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise them. **Thirteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk official

may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 10 of the Illinois Election Laws makes no reference to Federal law. In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which the Federal Voting Assistance Program administers. **Reference to the UOCAVA in the state election code** would help election officials and interested citizens find guidance to applicable federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Illinois money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Illinois' **State Board of Elections/Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The State Board of Elections/Chief Election Official and the Federal Voting

Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission or fax. As an example, in light of the surge of Guard and Reserve forces being deployed, the State Board of Elections/Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The State Board of Elections/Chief Election Official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The State Board of Elections/Chief Election Official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the State Board of Elections/Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The State Board of Elections/Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Indiana 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Indiana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Indiana provides 45-day transit time for General and Primary elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the

Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided

in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Iowa 2005 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Iowa enacted legislation to provide for electronic transmission of the Federal Post Card Application request for registration and an absentee ballot. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. The following sample language would allow for these procedures.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We understand Iowa currently allows discharged military personnel to register late. **We encourage expanding this option to their family members and overseas citizens who may go through a transition period when they first leave the Uniformed Services or**

overseas employment and may reside in your state just prior to an election. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home after active duty or employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Kansas 2005 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kansas' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Kansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and

Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and runoff elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or

she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Kentucky 2005 Legislative Initiatives and Sample Language

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 117 of the Kentucky Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kentucky's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Kentucky enacted legislation, which provides for the electronic transmission of the Federal Post Card Application (FPCA) for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic

transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that **Kentucky allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Kentucky provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with

American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law. In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Louisiana 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem, which continues to face Louisiana military and overseas voters, is the extremely short period of time these voters have to receive, vote, and return their absentee ballots **for non-Presidential elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states currently have a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Louisiana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Uniformed Services, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Louisiana allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Louisiana provide a state write-in absentee ballot for all elections, *not only the Presidential election.* The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the

regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Maine 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that Maine **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Maine has enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) request for registration and ballot. We recommend expanded use of this alternative to include electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the

Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face Maine military and overseas voters is the short period of time these voters have to receive, vote, and return their absentee ballots for **non-Federal elections**. While electronic transmission of election materials offers an alternative to inadequate

ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. However, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Maine's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting

Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Maryland 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

Although the Maryland General Assembly deleted the late registration provision from Maryland law, we never-the-less encourage you to recommend that Maryland reinstate procedures **to allow persons recently separated from the Uniformed Services and their family members to be able to register late (or be exempt from registration)**. Previously, honorably discharged military personnel and their spouses and dependents could still vote absentee if a Federal Post Card Application arrived not later than 8 p.m. on election day. Additionally, we recommend that Maryland expand this procedure **to allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**.

Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states now allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

Although Maryland provides ample time for transit of ballots under normal circumstances, especially with late counting, we continue to recommend that Maryland provide a state write-in absentee ballot for all elections as a means to vote in case there are delays in mailing and returning absentee ballots. Again, the main purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be

able to receive, vote, and return the regular ballot from the state in time to be counted.

Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official. Also a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Maryland has done an exceptional job passing legislation on behalf of *UOCAVA* voters regarding electronic transmission of election materials. However, we request your consideration again to make further changes in Maryland law/administrative procedures that would include the faxing of the voted ballot for all *UOCAVA* absentee voters and of the FPCA for registration purposes. We realize that Maryland allows faxing of the FPCA for an absentee ballot request and now the unvoted ballot and that Maryland law

prohibits electronic facsimile if the document requires a signed affidavit. However, we encourage expansion of this alternative to include electronic transmission of the FPCA for registration (since we instruct voters to submit the original, signed FPCA after faxing and the FPCA form is a simultaneous request for registration and request for absentee ballot) and acceptance of the voted ballot electronically from the voter (signature already on file) where circumstances would otherwise disenfranchise a citizen. The sample language below accommodates these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local board of elections may receive FPCAs for registration, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

We appreciate the action taken by the Maryland State Board of Elections to allow overseas voters to cast votes for state and local offices in primary and special Federal elections using the Federal Write-In Absentee Ballot (FWAB). Since this ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership, many overseas citizens have access to it and would not be disenfranchised because their regular ballots were not received in a timely manner.

In addition, however, for those citizens that desire to vote in elections for Federal office only, we request the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB**. This would further simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for elections for Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*. To address your concerns about lack of control over the process, the citizen must provide a valid Maryland residence address and sign the FPCA attesting that he/she is a U.S. citizen and is not voting in any other jurisdiction.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Massachusetts military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. The fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Massachusetts provides 45-day transit time for Primary elections (35 days before election and 10 days extended counting after election). However, expanding this provision to **all elections** would help ensure enfranchisement. **Thirty-nine** states now allow 45-day ballot transit time for general elections.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

State Special Write-In Absentee Ballot

We also recommend Massachusetts provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame**. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. We realize Massachusetts provides a special write-in absentee ballot if the local election official does not have the regular state ballot available for mailing. However, expanding this provision by making this ballot available upon request by UOCAVA citizens and expanding its use for all elections would help ensure enfranchisement. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military

installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Massachusetts' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National

Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Massachusetts has enacted legislation allowing citizens to send the Federal Post Card Application (FPCA) via electronic transmission. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot via electronic transmission from these voters where circumstances would otherwise disenfranchise them. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for local, state and Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Massachusetts money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Michigan 2005 Legislative Initiatives and Sample Language

Use of One Federal Post Card Application (FPCA) for ALL Elections in a Calendar Year

Congress modified the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* in December 2001 to require the States, effective immediately, to accept a single FPCA, that is received 30 days or more before an election, as a simultaneous voter registration and absentee ballot application for all elections for Federal offices held in the State during that calendar year. FVAP reminds you of this requirement and recommends extension of this provision to include all State and local elections for which the citizen is eligible to vote. We recommend that the following procedure be adopted:

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Notary Requirement

Current Michigan election law requires that the FPCA used to register and request absentee ballots or to request absentee ballots only, must be sworn to before an official authorized to administer oaths if the requesters are Michigan residents temporarily residing outside the U.S. and unaffiliated with the U.S. Federal Government, or overseas citizens. This notary requirement continues to be a problem for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. We heard this many times over in the 2004 Presidential election year. Some voters have paid \$90 to obtain notarial services to exercise their right to vote. In many countries, there are no notaries in their system of jurisprudence. We strongly recommend action this legislative year to **remove the notary requirement for all absentee balloting materials or not require notarization after initial registration notary is provided**. To this end, we support HB 6061, which is currently under consideration in your legislature. Please contact us to provide testimony for, or to write letters in support of, this legislation. **Michigan is one of only six states and territories that have a notary requirement for the Federal Post Card Application for citizens outside the U.S.**

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

"Not Earlier Than" Restrictions

We also note that Michigan has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, i.e., not earlier than 75 days before the election and not later than the Saturday before the election. The "not earlier than" limitation has also caused a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters.

We appreciate the fact that you have provided an administrative instruction to hold applications that arrive earlier than 75 days before the election. However, we urge that the **"not earlier than" dates for ballot requests be eliminated** completely by legislation. Further, we recommend a part in the statutes be established for Federal absentee voters separate from regular absentee voters. Your laws now address each class of voter the same way even though there are quite different circumstances between a regular absentee voter who will not be present at the polls on election day due to vacation, hospitalization, etc. and a Federal absentee voter who requires more time to request an absentee ballot. **Forty-nine** states have already removed such requirements.

Late Registration Procedures

We recommend that Michigan **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for **all elections**. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the blank ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Minnesota military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as State Department personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Minnesota **allow persons recently separated from the Uniformed Services or overseas employment and their family members to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Notary Requirement

We realize notarization of the FPCA and the ballot return envelope is not necessary if a voter provides his/her military ID number or passport number. However, if a voter overlooks this requirement or if he or she is unable to obtain notarial services, he or she may be disenfranchised. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

State Write-In Absentee Ballot

We also recommend Minnesota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame**. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states beyond Federal law that have expanded the use of the FWAB and the 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Minnesota has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided

in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Minnesota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Mississippi 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current Mississippi election law requires that the affidavit on the absentee ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Return of Voted Ballot by Close of Polls on Election Day

We notice Mississippi requires UOCAVA voters to return their voted ballot by 5:00 p.m. the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, the voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Mississippi accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 23, Section 23-15-677 of the Mississippi Election Laws refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that **Mississippi allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Mississippi provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or

she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Notary Requirement

Current Missouri election law requires that the state ballot envelope must be witnessed by a notary public or other officer authorized by law to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid **\$90** to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Missouri Election Laws do not refer to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Missouri enacted legislation allowing citizens to send the FPCA via electronic transmission when requesting an absentee ballot. We encourage expanded use of this alternative to include electronic transmission of the FPCA for ballot request and registration, electronically sending the ballot to the voter, and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Ten other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission

envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a Uniformed Service member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Montana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

State Special Write-in Absentee Ballot

We also recommend that Montana provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows

voting for Federal offices only. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Bring Montana Election Code into Conformance with the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In our recent update to the Voting Assistance Guide it came to our attention that there is a discrepancy in the definition of eligible citizens between the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* and the Montana Election Code. Section 13-2-211 of the Montana code defines an “elector in the United States service” as members of the armed forces, merchant marine, religious groups or welfare agencies attached to the armed forces, or citizens temporarily residing outside the U.S. territorial limits, and their spouses and dependents. UOCAVA does not cover members of religious groups or welfare agencies attached to the armed forces unless they are serving overseas. In addition to the other categories of citizens listed in the Montana code, UOCAVA also includes “uniformed services” – the Coast Guard and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration. (See 42 U.S.C. 1973ff-1 and ff-6.)

We recommend that Montana review the language in the *Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA, 42 U.S.C. 1973ff et seq.)* and make appropriate amendments to the state election law provisions to include the Uniformed Services groups referenced above.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Montana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Montana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

State Special Write-in Absentee Ballot

We also recommend that Montana provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows

voting for Federal offices only. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Montana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Nebraska 2005 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Nebraska enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests. We recommend expanded use of this alternative to include electronic transmission of the unvoted ballot to the voters covered by UOCAVA, and accepting the voted ballot from these voters via electronic transmission. **Thirteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Nebraska's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Nebraska 2005 Legislative Initiatives and Sample Language

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Nevada 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

Nevada currently allows members of the Armed Forces, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Nevada expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the termination date of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home from employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised due to time and location constraints, by allowing them to cast a ballot when they would not otherwise have been able to vote.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process to include electronic transmission of the FPCA for registration by all citizens voting under the Uniformed and Overseas Citizens Absentee Voting Act, electronically sending the ballot to these citizens and accepting the voted ballot from these citizens where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Nevada provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state

does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Nevada's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of

this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

New Hampshire 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New Hampshire military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, electronically sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Hampshire's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

New Jersey 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We realize that **New Jersey allows persons recently separated from the Uniformed Services and their family members as well as civilians attached to or serving with the Uniformed Services to register late and obtain an emergency voting form.** We recommend this option be expanded to civilian citizens returning to New Jersey after overseas employment. Many of these citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that New Jersey enacted legislation to provide for the electronic transmission of the FPCA for ballot request, the electronic receipt of the blank ballot by the voter, and accepting an overseas ballot by electronic means. We encourage expanded use of this alternative to accept electronic transmission of the FPCA for registration purposes and to include electronically accepting the voted ballot from the Uniformed Services voter who is out of the state, but not necessarily overseas, on election day where these circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, or a family member, and is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend New Jersey provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the

actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Jersey's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

New Mexico 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that New Mexico **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend New Mexico provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee

ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time

and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

New York 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New York military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. This is why it is necessary to allow a minimum of 45 days transit time for absentee ballots.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **New York allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that New York provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of the *Federal Voting Assistance Act of 1955* and the *Overseas Citizens Voting Rights Act of 1975* into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the New York election**

code will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the New York Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints. Currently, forty-nine states allow electronic transmission of election materials.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We enlist your support once again this year in developing the **acceptance of electronic transmission for all parts of the process**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider using modern technology in the absentee voting process. We encourage the use of this alternative to include the **electronic transmission of the FPCA for registration and ballot request, the blank ballot to the voter, and the voted ballot from the voter** where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A county board of elections official may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates,

military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the*

state;

- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that New York's **Chief Election Official (CEO) have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The CEO and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

North Carolina 2005 Legislative Initiatives and Sample Language

One Federal Post Card Application for All Elections.

The *National Defense Authorization Act of Fiscal Year 2002* states that, “If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed service voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(a)(4)) and the voter requests that the application be considered an application for an absentee ballot for each subsequent election For Federal office held in the State during that year, the State shall provide an absentee ballot to the voter for each subsequent election for Federal office held in the State during that year.” This section was amended by the *Help America Vote Act of 2002* to extend the period covered by the single absentee ballot application through the next two regularly scheduled general elections for Federal office. We strongly recommend legislation be enacted to include North Carolina residents who registered locally prior to January 1, 2004 (when this provision of *HAVA* was enacted) and then go overseas to be able to use one FPCA for all elections through the next two regularly scheduled general elections for Federal office. These citizens currently must send in a FPCA or written request before each election.

State Write-In Absentee Ballot

We recommend that North Carolina provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of Uniformed Services members and overseas citizens who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Please consider expanding the use of modern technology to overseas citizens. We realize that North Carolina allows the submission of the Federal Post Card Application for registration and absentee ballot request by overseas citizens. However, this should be extended to allow the faxing of the blank and voted ballot to these citizens from your state as you have done for Uniformed Services members. Thus, we strongly encourage expanded use of this alternative to include the transmission of the blank ballot by fax to **all UOCAVA** voters and the acceptance of the voted ballot from **all UOCAVA** citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 ——— days before the election or by the registration deadline established by the state.*

Late Registration Procedures

We realize that North Carolina currently **allows persons recently separated from the Armed Forces to register and vote in person up to and including election day**. We recommend expanding this option to Uniformed Services family members and to citizens returning from overseas employment. Many of these citizens go through a transition period and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

North Dakota 2005 Legislative Initiatives and Sample Language

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 16 of the North Dakota Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **North Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Ohio 2005 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Ohio's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

We realize that Ohio enacted legislation to provide for electronic transmission of the FPCA for ballot request and electronic transmission of the blank ballot to voters in the Uniformed Services. We encourage expanded use of this alternative to all UOCAVA citizens to include electronic transmission of the Federal Post Card Application for registration, electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Sample Language

An applicant who is a member of the United States Uniformed Services, the merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expansion of Late Registration Procedures

We realize that Ohio allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may not know in which state they will live. Others may move to a new state and not meet the state's residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services by separation from the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Waiver of Registration for Citizens Covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

While we realize that registration is waived in Ohio for members of the U.S. Armed Forces and their family members, we encourage expansion of this provision to include all groups covered in the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* definitions. The following is an extract from the UOCAVA, 42 USC 1973ff-6. Section 107. Definitions:

“(1) "absent uniformed services voter" means --

- (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;
- (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and
- (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote

and

“(7) “uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration”.

The sample language below will accommodate this provision.

Sample Language

If you are a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act, your registration is waived and you may request an absentee ballot by submitting an FPCA so it is received by the county board of elections not later than 3 days before the election.

State Write-In Absentee Ballot

We also recommend Ohio provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be

accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Oklahoma 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oklahoma military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to the timely delivery of absentee ballots for those who request them. For Oklahoma, our *2004-2005 Voting Assistance Guide* states that local election officials mail out ballots approximately 30 days before an election. While we commend you for expanding the time between the state run-off election and the General Election, Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** other states have increased their ballot transit times to greater greater than 30 days.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although we realize that Oklahoma enacted legislation to provide for the electronic transmission of the FPCA ballot request, and for the electronic transmission of the blank ballot and acceptance of the voted ballot under certain limited circumstances, we encourage expanded use of this alternative to include the use of electronic transmission of the blank ballot and acceptance of the voted ballot on a regular basis, as an alternative method, not merely during certain limited circumstances.

Sample Language

An elections official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Oregon 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oregon military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Oregon provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expansion of Late Registration Procedures

We realize that Oregon allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services or the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Oregon has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request and electronic transmission of the blank ballot. We encourage expanded use of this alternative to include acceptance of the voted ballot from the voter by electronic transmission where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send a blank ballot to a voter and accept voted ballots via electronic transmission from eligible electors.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law. In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB

transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Oregon's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the

Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Pennsylvania 2005 Legislative Initiatives and Sample Language

Return of Voted Ballot by Close of Polls on Election Day

Pennsylvania continues to require voters covered under the *Uniformed and Overseas Absentee Voting Act (UOCAVA)* to return their voted ballot by 5:00 p.m. on the Friday before the election. This deadline is earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. For this reason we recommend that Pennsylvania accept voted ballots from all *UOCAVA* citizens until the close of polls on election day. Only **four** other states require the return of the voted ballot before election day.

Late Registration Procedures

We recommend that **Pennsylvania allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We request your support in developing the **acceptance of electronic transmission of absentee ballots in Pennsylvania.** With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to

voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize that Pennsylvania allows the submission of the Federal Post Card Application for registration and absentee ballot request. However, Pennsylvania now only allows the electronic transmission of the blank ballot if a person is in a designated hostile fire, imminent danger pay, combat zone or qualified hazardous duty area. Further, there is no faxing of the voted ballot in your state. We strongly encourage expanded use of this alternative to include the transmission of the blank ballot by fax to all *UOCAVA* voters and the acceptance of the voted ballot (to include a waiver of privacy) from all *UOCAVA* citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special and primary elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, and primary elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:
If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that **Pennsylvania's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Puerto Rico election law requires that the FPCA and the ballot return envelope must be sworn to by a person authorized to administer oaths. Depending on the category of *UOCAVA* voter, the oath must be administered by a commissioned officer, the highest officer on board ship, an official in the school registrar's office, a notary public, or a consular officer. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We strongly recommend **removal of the notary requirement for all absentee balloting materials**. **Forty-nine** states and territories have eliminated the notary requirement on all election materials.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that **Puerto Rico allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in Puerto Rico just prior to an election and this time frame does not meet Puerto Rico's normal residency requirements. Often, the date of discharge or termination of overseas employment and a commonwealth's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states and territories currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular commonwealth deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Special Write-In Absentee Ballot

We also recommend that Puerto Rico provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from Puerto Rico in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular absentee ballot from Puerto Rico does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, commonwealth, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. Puerto Rico will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election

and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the commonwealth for general election and Federal offices if:

- (1) the information submitted complied with the commonwealth's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate commonwealth election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save the commonwealth money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, commonwealth and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the commonwealth of Puerto Rico;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate Puerto Rico election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Commonwealth Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the commonwealth's election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. **Thirty-seven** states and territories now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although Puerto Rico currently allows electronic transmission of the FPCA, including fax and email, we encourage the use of this alternative to include the electronic transmission of the FPCA for electronically sending the blank ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise them. **Thirteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The Commonwealth Elections Commission may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the Commonwealth of Puerto Rico has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Puerto Rico's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states and territories have passed legislation giving

the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this commonwealth, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the Commonwealth.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Rhode Island 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

Despite the alternative of mailing the official state blank ballot 45 days before an election if the official ballot is not yet available, Rhode Island military and overseas voters continue to have an extremely short period of time to receive, vote, and return their absentee ballots in order to be counted (21 days) in the regular absentee ballot delivery process. While electronic transmission of election materials offers an alternative to speed ballot transit time, inadequate ballot transit time through the mail remains the primary obstacle to timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Coverage and Notary Requirement

Under Section 17-20-6.1, Rhode Island provides that the Federal Post Card Application (FPCA) may be used as a request for an absentee ballot by the following groups under *UOCAVA* (42 U.S.C. § 1973ff):

- (1) A member of the armed forces who is absent from the state by reason of being in active service;
- (2) Any person absent from the state in performance of "services intimately connected with military operations" as defined in § 17-20-3(d); and
- (3) Any person who is employed outside of the United States as defined in § 17-20-3(c)

In contrast, *UOCAVA* includes Uniformed Services and overseas citizens defined in Section 107 as follows:

- (1) "absent uniformed services voter" means --:

- (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;
 - (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and:
 - (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote;
- (5) "overseas voter" means --:
- (A) an absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;
 - (B) a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or:
 - (C) a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

Rhode Island law excludes *UOCAVA* citizens who mark 8.d. on the FPCA from the procedures of 17-20-6.1, which waives registration, and subjects them to additional procedures in Section 17-21.1-3 by requiring them to submit the Mail Ballot Application and affidavit prior to mailing the absentee ballot. This introduces additional steps and mailing time into the process and the requirement to obtain notarial services to exercise their right to vote. In many countries, voters have paid up to \$90 for these services and other countries do not have notaries in their system of jurisprudence.

Thus, we request that Rhode Island include those overseas citizens currently covered by these separate procedures in Section 17-21.1-3 under Section 17-20-6.1 to allow these citizens to use the FPCA to request an absentee ballot in the same way as the rest of the *UOCAVA* citizens. As an alternative, Rhode Island could include the Mail Ballot Application along with the ballot to register the applicant and have the citizen attest to a self-administered oath on the form, eliminating the requirement for a notary.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Rhode Island's **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually

establish expeditious methods for handling absentee ballots including electronic transmission.

We note that in 2003 Governor Carcieri signed into law legislation naming the Secretary of State (SoS) the Chief State Election Official in Rhode Island and that your Legislative Implementation Report for 2004 indicates that the SoS intends to introduce legislation to provide the necessary emergency authority for the SoS as the chief election official. If we can help in this effort, please let us know.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

South Carolina 2005 Legislative Initiatives and Sample Language

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to use of modern technology in the absentee voting process. We realize South Carolina has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request and for the electronic transmission of the blank ballot and acceptance of the voted ballot in emergency situations only. We encourage expanded use of this alternative to include the use of electronic transmission of the blank ballot and acceptance of the voted ballot on a regular basis, as an alternative method, not merely during emergencies.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to

apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

South Dakota 2005 Legislative Initiatives and Sample Language

Notary Requirements

South Dakota requires the ballot return envelope for military in the United States (U.S.) and overseas citizens to be notarized by a notary public or other person authorized to administer an oath. This requirement creates a burden for military members who may be assigned to a small military installation that may not have an officer available at all time, as well as, individuals living overseas where such services are difficult and expensive, if not impossible to obtain. We realize in lieu of a notarized signature individuals may provide a photo copy of a valid ID such as a South Dakota Drivers License or nondriver ID card; a passport or other picture ID issued by the U.S. government; a tribal photo ID or a photo ID issued by a South Dakota postsecondary education institution. However, we recommend removal of the notary requirement for all absentee balloting materials for military in the U.S. and overseas citizens. Forty-nine states have eliminated the notary requirement on all election materials to date.

Late Registration Procedures

We recommend that South Dakota **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these

citizens to claim legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **South Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit

time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration and ballot request, electronically sending the ballot to the voter and accepting the voted ballot from the voter, where circumstances would otherwise disenfranchise a citizen. Below is suggested language allowing for electronic transmission to be used in these three steps of the absentee voting process.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend South Dakota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Tennessee 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that Tennessee **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Tennessee enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronic transmission of the FPCA for registration, electronically sending the blank ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample language allowing for these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Use of FWAB as state special write-in by all UOCAVA citizens:

A citizen voting under the UOCAVA who, due to military or other contingencies that preclude normal mail delivery who will be unable to vote by regular absentee ballot, may use a Federal Write-In Absentee Ballot to vote in Federal elections for Federal office for the candidate of his or her choice.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Tennessee's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be

necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

Section 2-6-112 of the Tennessee Election Law refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Texas 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

Even though Texas has enacted a 30-day registration deadline as a safeguard to prevent fraud, we still encourage Texas to **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late, e.g., up to the day of the election, or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election (within 30 days of the election). This time frame does not meet your state's current registration requirements. Further, the date of discharge or termination of overseas employment and the Texas registration requirement may combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently have such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We realize that Texas provides a state special write-in absentee ballot to Uniformed Services members if they are unable to cast a ballot on election day or during the early voting period because of a military contingency. We recommend expansion of this state write-in absentee ballot to **provide a method for voting by other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient

time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Thus, we request your support **to develop acceptance in Texas for the electronic transmission of the blank and voted ballots to all UOCAVA voters**. With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of this modern technology in the absentee voting process. We realize that Texas provides for the electronic transmission of the FPCA for registration and early voting ballots. Additionally, in 1997, Texas enacted legislation to allow the electronic transmission of the voted ballot by members of the U.S. Armed Forces on active duty overseas, or their family members, if the Armed Forces members are casting the ballot from an area where the members are eligible to receive hostile fire pay or imminent danger pay, or that has been designated by the President of the United States as a combat zone. However, we continue to encourage expanded use of this alternative to include electronically sending the blank ballot to all Texas UOCAVA voters who request it and accepting the voted ballot where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

We recognize that Texas recently passed a law that expanded the use of the Federal Write-In Absentee Ballot (FWAB) to any special, primary or runoff election for Federal offices. In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve ballot transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that instead of the Texas Governor, Texas' **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Federal Voting Assistance Program is in closer contact with the Chief Election Official and could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Utah 2005 Legislative Initiatives and Sample Language

Notary Requirement

Currently Utah requires the ballot return envelope to be certified by a noncommissioned or commissioned officer if it is not possible to obtain a military postmark on or before election day. This requirement creates a burden for military members who may be assigned to a small military installation that may not have an officer available at all time. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Utah's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard

and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Currently, acceptance of electronic transmission of election materials varies from county to county in Utah. Consideration should be given to more uniform use of modern technology in the absentee voting process. We encourage statewide adoption of procedures to allow for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot request, electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We realize Utah provides a Special Military Write-In Absentee Ballot if the citizen will be unable to vote by regular ballot. We recommend expanding use of this ballot to **provide a method for voting to other persons overseas who, due to special**

circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and

unable to receive regular absentee ballots sent in the normal time frame. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states have implemented state write-in absentee ballots for this purpose.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB and the 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in the general election. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner.

Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. On an *ad hoc* basis, during past primaries, several states and jurisdictions allowed the FWAB to be used for offices

other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Vermont 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Vermont military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states have provisions for the 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Vermont's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Removal of Notary Requirement

Current Vermont election law requires that the FPCA used to register must be notarized. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid **\$90** to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, many small military installations may have no commissioned officer assigned.

Alternatively, we recommend unregistered applicants be instructed to read the Freeman's Oath prior to signing the FPCA. Item 8e of the 1995 FPCA contains language where the applicant swears/affirms under penalty of perjury that he or she is "a U.S. citizen, eligible to vote in the above jurisdiction and subscribe to any required state/local oath or statement." This would eliminate the need to attach the oath to the FPCA. For the reasons stated above, we recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Vermont currently allows for electronic transmission of the FPCA for registration and ballot request and electronically sending the blank ballot to the voter. We encourage enacting legislation for acceptance of the voted ballot electronically from the voter

where circumstances would otherwise disenfranchise a citizen. Below is sample legislation that will provide for this alternative.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Vermont **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

State Write-In Absentee Ballot

We also recommend Vermont provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from the State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now have state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. Thirty-seven states have modified state election code to reference UOCAVA.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Late Registration Procedure

The Virgin Islands currently allows members of the Armed Forces and merchant marine, discharged within 60 days of an election and who return to the Virgin Islands too late to register, to vote in the upcoming election. We recommend that the Virgin Islands expand the scope of this procedure and **allow Uniformed Services personnel (Coast Guard, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration), civilians recently separated from overseas employment, and the spouses and dependents of all these groups to be eligible for the same procedure.** These citizens also go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. Expanding the scope of your existing procedure would solve this problem. **Fifteen** states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Special Write-in Absentee Ballot

We also recommend the Virgin Islands provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows voting for Federal offices only. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general election and Federal offices if:

- (1) the information submitted complies with the registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Virgin Islands money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with Virgin Islands registration requirements;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal

residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Virginia 2005 Legislative Initiatives and Sample Language

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have already passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We realize Virginia allows electronic transmission of the FPCA for absentee ballot request. We also note that Virginia has conducted several successful pilot projects with the transmission of blank ballots by electronic mail. We continue to support your innovative electronic voting projects; however, we also continue to encourage expanded use of electronic transmission to include sending the blank ballot to the voter and accepting the voted ballot from the voter by facimile where circumstances would otherwise disenfranchise a citizen. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An election official may send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, Virginia law allows the Federal Write-In Absentee Ballot (FWAB) to be used in all elections and from inside or outside the United States. However, we continue to recommend that the FWAB transmission envelope be accepted as **a request for registration simultaneously with the submission of the completed FWAB**. We realize that legislation has been passed providing that the FWAB can be used to serve as **an application** for an absentee ballot and the absentee ballot itself for Federal offices provided the Registrar received it not less than five days prior to the election. Consideration should be given to simplify the registration and request for absentee ballot request process and improve ballot transit time through the combined use of the FWAB for registration and absentee ballot simultaneously. It should be noted that the information requested on the FWAB transmission envelope, is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). This does not change the data required from your state for these citizens. The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is outside the U.S. or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state .*

The Need for 45-day Ballot Transit Time

The most persistent problem which continues to face Washington military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices.** This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedure

We recommend that **Washington allow persons recently separated from the Uniformed Services, the merchant marine or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting Washington's 15-day late registration deadline. We recommend that UOCAVA citizens be permitted to register up to the day of the next ensuing election when these circumstances arise. **Twenty-six** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the state Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Washington money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We**

recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Washington's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

*The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving *United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.**

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

West Virginia 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that **West Virginia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **West Virginia's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, electronically sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend West Virginia provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and

return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

For those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information that is requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the territory money and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the territory;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Wisconsin 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Wisconsin military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Although Wisconsin local election officials mail absentee ballots 30 days before the general and 21 days before the primary elections, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Notary Requirement

Current Wisconsin election law requires that, for military voters, the certificate-affidavit on the ballot return envelope must be sworn to by a person authorized to administer oaths or witnessed by two adult U.S. citizens. Additionally, for overseas citizens who are required to register, the FPCA must be witnessed by any person authorized to administer oaths or one adult U.S. citizen. We recommend **removal of the notary and witness requirements for all absentee balloting materials**. Forty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Wisconsin **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Wisconsin enacted legislation to provide for the electronic transmission of the FPCA for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wisconsin's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Wyoming 2005 Legislative Initiatives and Sample Language

State Write-In Absentee Ballot

We recommend that Wyoming provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. The FWAB allows voting for Federal offices only. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure near real-time delivery of election materials between the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time substantially.

We note that Wyoming permits absentee ballot requests to be made by telephone and email. We encourage the further use of electronic transmission to include electronically sending the Federal Post Card Application (FPCA) for registration and absentee ballot request, sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the merchant marine, or their family members, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wyoming's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

July 31, 2012

The Honorable W. Fox McKeithen
Secretary of State
300 State Capitol Drive
Baton Rouge, LA 70804-9125

Dear Secretary McKeithen:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Blanco with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Dan Gwadosky
Secretary of State
148 State House Station
Augusta, ME 04333-0148

Dear Secretary Gwadosky:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Baldacci with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Ms. Linda H. Lamone
Administrator
State Administrative Board of Election Laws
P.O. Box 6486
Annapolis, MD 21401-0486

Dear Ms. Lamone:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Ehrlich with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable William Francis Galvin
Secretary of the Commonwealth
State House, Room 337
Boston, MA 02133

Dear Secretary Galvin:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Romney with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Terri L. Land
Secretary of State
Treasury Bldg., First Floor
430 W. Allegan Street
Lansing, MI 48918-9900

Dear Secretary Land:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Granholm with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Mary Kiffmeyer
Secretary of State
180 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1299

Dear Secretary Kiffmeyer:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Pawlenty with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Eric Clark
Secretary of State
P.O. Box 136
Jackson, MS 39205-0136

Dear Secretary Clark:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Barbour with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Robin Carnahan
Secretary of State
P.O. Box 1767
Jefferson City, MO 65102

Dear Secretary Carnahan:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Blunt with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Bob Brown
Secretary of State
State Capitol, Room 260
PO Box 202801
Helena, MT 59620-2801

Dear Secretary Brown:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Martz with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

Copy of letter to Governor and enclosures

Copy to:

Governor

July 31, 2012

The Honorable John Gale
Secretary of State
State Capitol, Suite 2300
P.O. Box 94608
Lincoln, NE 68509-4608

Dear Secretary Gale:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Johanns with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Dean Heller
Secretary of State
Capitol Complex
Carson City, NV 89710

Dear Secretary Heller:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Guinn with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable William M. Gardner
Secretary of State
State House, Room 204
Concord, NH 03301

Dear Secretary Gardner:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Benson with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Peter C. Harvey
Attorney General
Hughes Justice Complex
P.O. Box 304
Trenton, NJ 08625-0300

Dear Mr. Harvey:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Richardson with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Rebecca Vigil-Giron
Secretary of State
State Capitol North Annex
Suite 300
Santa Fe, NM 87503

Dear Secretary Vigil-Giron:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Richardson with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Mr. Peter S. Kosinski
Executive Director, State Board of Elections
40 Steuben Street
Albany, NY 12207-2109

Dear Mr. Kosinski:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Pataki with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Mr. Gary O. Bartlett
Executive Secretary/Director
P.O. Box 27255
Raleigh, NC 27611-7255

Dear Mr. Bartlett:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Easley with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Alvin Jaeger
Secretary of State
State Capitol, 1st Floor Dept 108
600 East Boulevard Ave.
Bismarck, ND 58505-0500

Dear Secretary Jaeger:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Hoeven with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable J. Kenneth Blackwell
Secretary of State
180 E. Broad Street
16th Floor
Columbus, OH 43215

Dear Secretary Blackwell:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Taft with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Ms. Glo Henley
Chairperson
State Election Board
P.O. Box 53156
Oklahoma City, OK 73152

Dear Ms. Henley:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Henry with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Bill Bradbury
Secretary of State
136 State Capitol Building
Salem, OR 97310-0722

Dear Secretary Bradbury:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Kulongoski with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Pedro Cortes
Secretary of the Commonwealth
302 North Office Building
Harrisburg, PA 17120-0029

Dear Secretary Cortes:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Rendell with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Matthew Brown
Secretary of State
218 State House
Providence, RI 02903

Dear Secretary Brown:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Carcieri with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Ms. Marci Andino
Executive Director
State Election Commission
2221 Devine Street
Suite 105
Columbia, SC 29205-5987

Dear Ms. Andino:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Sanford with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Chris Nelson
Secretary of State
State Capitol Bldg., Suite 204
500 E Capitol
Pierre, SD 57501-5070

Dear Secretary Nelson:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Rounds with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Riley C. Darnell
Secretary of State
312 Eighth Avenue North
6th Floor, William R. Snodgrass Tower
Nashville, TN 37243

Dear Secretary Darnell:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Bredesen with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Geoffrey S. Connor
Secretary of State
P.O. Box 12887
Austin, TX 78711-2887

Dear Secretary Connor:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Perry with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Deborah Markowitz
Secretary of State
26 Terrace Street, Drawer 9
Montpelier, VT 05609-1101

Dear Secretary Markowitz:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Douglas with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Ms. Jean Jensen
Secretary, State Board of Elections
200 N. 9th St., Ste. 101
Richmond, VA 23219-3497

Dear Ms. Jensen:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Warner with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Sam Reed
Secretary of State
Legislative Building, 2nd Floor
P.O. Box 40220
Olympia, WA 98504-0220

Dear Secretary Reed:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Locke with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

January 17, 2005

The Honorable Betty Ireland
Secretary of State
Building 1, Suite 157K
1900 Kanawha Boulevard E
Charleston, WV 25305-0770

Dear Secretary Ireland:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Manchin with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Mr. Kevin J. Kennedy
Executive Director
P.O. Box 2973
Madison, WI 53701-2973

Dear Mr. Kennedy:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Doyle with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Joseph B. Meyer
Secretary of State
State Capitol Building
Room 106
Cheyenne, WY 82002-0020

Dear Secretary Meyer:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Freudenthal with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Mr. Soliai T. Fuimaono
Chief Election Officer
PO Box 3970
Pago Pago, AS 96799-3970

Dear Mr. Fuimaono:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Tulafono with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Sherry Hobbs-Newman
Secretary of the District of Columbia
1350 Pennsylvania Ave., NW, Suite 1130
Washington, DC 20004

Dear Secretary Hobbs-Newman:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Mayor Williams with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Kaleo Moylan
Lieutenant Governor
PO Box 2950
Agana, GU 96932

Dear Lieutenant Governor Moylan:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Camacho with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Mr. Aurelio Gracias Morales
President, State Elections Commission
State Elections Commission
P.O. Box 195552
San Juan, PR 00919-5552

Dear Mr. Gracias Morales:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Calderon with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Vargrave A Richards
Lieutenant Governor
Office of the Lieutenant Governor
Charlotte Amalie
St. Thomas, VI 00802

Dear Lieutenant Governor Richards:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Turnbull with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Nancy L. Worley
Secretary of State
Alabama State Capitol, Room S-105
600 Dexter Avenue
Montgomery, AL 36103

Dear Secretary Worley:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Riley with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Loren Leman
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Dear Lieutenant Governor Leman:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Murkowski with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Jan Brewer
Secretary of State
State Capitol , West Wing, 7th Floor
1700 W. Washington
Phoenix, AZ 85007-2808

Dear Secretary Brewer:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Napolitano with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Charlie Daniels
Secretary of State
256 State Capitol Building
Little Rock, AR 72201

Dear Secretary Daniels:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Hukabee with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Kevin Shelley
Secretary of State
1500 11th Street
Sacramento, CA 95814-2974

Dear Secretary Shelley:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Schwarzenegger with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Donetta Davidson
Secretary of State
1560 Broadway, Suite 200
Denver, CO 80202

Dear Secretary Davidson:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Owens with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Susan Bysiewicz
Secretary of State
State Capitol, Room 104
210 Capitol Avenue
Hartford, CT 06106

Dear Secretary Bysiewicz:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Rell with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Frank Calio
Commissioner of Elections
32 West Loockerman Street, Suite M101
Dover, DE 19904

Dear Commissioner Calio:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Minner with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Glenda E. Hood
Secretary of State
Collins Building
107 West Gaines St.
Tallahassee, FL 32399-0250

Dear Secretary Hood:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Bush with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Cathy Cox
Secretary of State
State Capitol, Room 214
Atlanta, GA 30334

Dear Secretary Cox:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Purdue with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Ben Ysura
Secretary of State
700 West Jefferson
Suite 203
Boise, ID 83720-0080

Dear Secretary Ysursa:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Kempthor with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

Mr. Daniel White
Executive Director
State Board of Elections
1020 S Spring Street
Springfield, IL 62704

Dear Mr. White:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Blagojevich with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Todd Rokita
Secretary of State
State House, Room 201
Indianapolis, IN 46204

Dear Secretary Rokita:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Kernan with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Chet Culver
Secretary of State
Lucas Building, 1st Floor
321 E 12th St
Des Moines, IA 50319

Dear Secretary Culver:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Vilsack with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Ron Thornburgh
Secretary of State
1st fl. Memorial Hall
120 SW 10th
Topeka, KS 66612-1594

Dear Secretary Thornburgh:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Sebelius with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Trey Grayson
Secretary of State
State Capitol, Room 152
700 Capitol Avenue
Frankfort, KY 40601-3493

Dear Secretary Grayson:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Fletcher with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Gayle McKeachnie
Lieutenant Governor
Utah State Capitol Complex
Suite E325
Salt Lake City, UT 84114-0607

Dear Lieutenant Governor McKeachnie:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

Enclosed, please find a copy of the letter to Governor Walker with its enclosures regarding the FVAP's suggested legislative initiatives for 2005. Please contact us with any questions and let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:
Copy of letter to Governor and enclosures

Copy to:
Governor

July 31, 2012

The Honorable Arnold Schwarzenegger
Governor
State Capitol Building
Sacramento, CA 95814

Dear Governor Schwarzenegger:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing California's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the California legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for California's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from California. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to California's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to California's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in California's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Bob Taft
Governor
77 South High St., 30th Floor
Columbus, OH 43215-6117

Dear Governor Taft:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Ohio's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the Ohio legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Ohio's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Ohio. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Ohio's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Ohio's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Ohio's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Robert R. Riley
Governor
Alabama State Capitol
Montgomery, AL 36130

Dear Governor Riley:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Alabama's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Alabama legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Alabama's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Alabama. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Alabama's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Alabama's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Alabama's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Frank H. Murkowski
Governor
Alaska State Capitol
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Murkowski:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Alaska's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Alaska legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Alaska's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Alaska. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Alaska's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Alaska's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Alaska's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Janet Napolitano
Governor
Arizona State House
Phoenix, AZ 85007

Dear Governor Napolitano:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Arizona's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Arizona legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Arizona's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Arizona. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Arizona's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Arizona's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Arizona's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Mike Huckabee
Governor
Arkansas State Capitol
Little Rock, AR 72201

Dear Governor Huckabee:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Arkansas's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives that the Arkansas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Arkansas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Arkansas. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Arkansas's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Arkansas's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Arkansas's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Bill F. Owens
Governor
136 State Capitol
Denver, CO 80203-1792

Dear Governor Owens:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Colorado's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Colorado legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Colorado's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Colorado. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Colorado's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Colorado's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Colorado's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable M. Jody Rell
Governor
Connecticut State Capitol
210 Capitol Avenue
Hartford, CT 06106

Dear Governor Rell:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Connecticut's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the Connecticut legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Connecticut's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Connecticut. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Connecticut's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Connecticut's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Connecticut's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other

states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Ruth Ann Minner
Governor
Delaware Legislative Hall
Dover, DE 19901

Dear Governor Minner:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Delaware's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Delaware legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Delaware's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Delaware. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Delaware's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Delaware's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Delaware's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Jeb Bush
Governor
PL 05 The Capitol
400 South Monroe St.
Tallahassee, FL 32399-0001

Dear Governor Bush:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Florida's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Florida legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Florida's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Florida. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Florida's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Florida's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Florida's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Sonny Purdue
Governor
Office of the Governor
203 State Capitol
Atlanta, GA 30334

Dear Governor Purdue:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Georgia's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Georgia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Georgia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Georgia. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Georgia's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Georgia's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Georgia's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Linda Lingle
Governor
Hawaii State Capitol
Honolulu, HI 96813

Dear Governor Lingle:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Hawaii's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Hawaii legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Hawaii's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Hawaii. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Hawaii's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Hawaii's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Hawaii's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Dirk Kempthorne
Governor
Office of the Governor
700 W. Jefferson, 2nd Floor
PO Box 83720
Boise, ID 83720-0034

Dear Governor Kempthorne:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Idaho's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Idaho legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Idaho's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Idaho. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Idaho's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Idaho's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Idaho's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We

have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Rod Blagojevich
Governor
Illinois State Capitol
Springfield, IL 62706

Dear Governor Blagojevich:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Illinois's existing election code and procedures to include possible changes due to recent federal legislation, I have identified nine initiatives that the Illinois legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Illinois's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Illinois. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Illinois's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Illinois's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Illinois's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Mitchell E. Daniels, Jr.
Governor
Indiana State Capitol, Room 206
Indianapolis, IN 46204-2797

Dear Governor Daniels:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Indiana's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives that the Indiana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Indiana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Indiana. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Indiana's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Indiana's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Indiana's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Thomas J. Vilsack
Governor
Iowa State Capitol
Des Moines, IA 50319

Dear Governor Vilsack:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Iowa's existing election code and procedures to include possible changes due to recent federal legislation, I have identified two initiatives that the Iowa legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Iowa's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Iowa. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Iowa's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Iowa's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Iowa's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Kathleen Sebelius
Governor
Kansas State House
Topeka, KS 66612

Dear Governor Sebelius:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Kansas's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Kansas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Kansas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Kansas. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Kansas's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Kansas's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Kansas's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Ernest L. Fletcher
Governor
Kentucky State Capitol
Frankfort, KY 40601

Dear Governor Fletcher:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Kentucky's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the Kentucky legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Kentucky's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Kentucky. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Kentucky's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Kentucky's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Kentucky's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Kathleen Blanco
Governor
Office of the Governor
P. O. Box 94004
Baton Rouge, LA 70804

Dear Governor Blanco:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Louisiana's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Louisiana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Louisiana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Louisiana. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Louisiana's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Louisiana's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Louisiana's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable John E. Baldacci
Governor
Maine State House
Augusta, ME 04330

Dear Governor Baldacci:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Maine's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the Maine legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Maine's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Maine. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Maine's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Maine's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Maine's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Robert Ehrlich
Governor
Maryland State House
100 State Circle
Annapolis, MD 21401

Dear Governor Ehrlich:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Maryland's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Maryland legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Maryland's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Maryland. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Maryland's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Maryland's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Maryland's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Mitt Romney
Governor
Massachusetts State House
State House, Room 360
Boston, MA 02133

Dear Governor Romney:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Massachusetts's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Massachusetts legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Massachusetts's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Massachusetts. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Massachusetts's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Massachusetts's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Massachusetts's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other

states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Jennifer Granholm
Governor
Governor's Office
P.O. Box 30013
Lansing, MI 48909

Dear Governor Granholm:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Michigan's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives that the Michigan legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Michigan's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Michigan. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Michigan's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Michigan's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Michigan's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Tim Pawlenty
Governor
Minnesota State Capitol
130 State Capitol
St. Paul, MN 55155

Dear Governor Pawlenty:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Minnesota's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the Minnesota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Minnesota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Minnesota. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Minnesota's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Minnesota's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Minnesota's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if

desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Haley Barbour
Governor
PO Box 139
Jackson, MS 39205

Dear Governor Barbour:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Mississippi's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives that the Mississippi legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Mississippi's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Mississippi. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Mississippi's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Mississippi's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Mississippi's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Matt Blunt
Governor
Missouri State Capitol, Room 218
Jefferson City, MO 65102-0720

Dear Governor Blunt:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Missouri's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Missouri legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Missouri's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Missouri. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Missouri's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Missouri's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Missouri's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Brian Schweitzer
Governor
Montana State Capitol
Helena, MT 59620-0801

Dear Governor Schweitzer:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Montana's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Montana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Montana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Montana. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Montana's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Montana's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Montana's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Mike Johanns
Governor
Nebraska State Capitol
Lincoln, NE 68509

Dear Governor Johanns:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Nebraska's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Nebraska legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Nebraska's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Nebraska. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Nebraska's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Nebraska's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Nebraska's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Kenny Guinn
Governor
Nevada State Capitol
Carson City, NV 89710

Dear Governor Guinn:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Nevada's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Nevada legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Nevada's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Nevada. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Nevada's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Nevada's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Nevada's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

December 17, 2004

The Honorable John Lynch
Governor
New Hampshire State House
Room 208-214
Concord, NH 03301

Dear Governor Lynch:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing New Hampshire's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the New Hampshire legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for New Hampshire's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from New Hampshire. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to New Hampshire's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to New Hampshire's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in New Hampshire's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other

states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Bill Richardson
Governor
State Capitol
Room 400
Santa Fe, NM 87503

Dear Governor Richardson:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing New Mexico's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the New Mexico legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for New Mexico's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from New Mexico. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to New Mexico's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to New Mexico's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in New Mexico's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if

desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable George E. Pataki
Governor
New York State Capitol
Albany, NY 12224

Dear Governor Pataki:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing New York's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the New York legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for New York's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from New York. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to New York's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to New York's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in New York's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Mike Easley
Governor
North Carolina State Capitol
20301 Mail Service Center
Raleigh, NC 27699

Dear Governor Easley:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing North Carolina's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the North Carolina legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for North Carolina's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from North Carolina. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to North Carolina's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to North Carolina's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in North Carolina's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other

states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable John Hoeven
Governor
North Dakota State Capitol
Bismark, ND 58505

Dear Governor Hoeven:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing North Dakota's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the North Dakota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for North Dakota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from North Dakota. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to North Dakota's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to North Dakota's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in North Dakota's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if

desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Brad Henry
Governor
Oklahoma State Capitol
Room 212
Oklahoma City, OK 73105

Dear Governor Henry:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Oklahoma's existing election code and procedures to include possible changes due to recent federal legislation, I have identified two initiatives that the Oklahoma legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Oklahoma's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Oklahoma. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Oklahoma's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Oklahoma's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Oklahoma's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if

desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Ted Kulongoski
Governor
Oregon State Capitol Building
900 Court Street, NE
Salem, OR 97310-4047

Dear Governor Kulongoski:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Oregon's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Oregon legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Oregon's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Oregon. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Oregon's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Oregon's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Oregon's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Edward Rendell
Governor
225 Main Capital Bldg
Harrisburg, PA 17120

Dear Governor Rendell:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Pennsylvania's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Pennsylvania legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Pennsylvania's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Pennsylvania. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Pennsylvania's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Pennsylvania's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Pennsylvania's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if

desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Don Carcieri
Governor
Rhode Island State House, Rm 115
Providence, RI 02903-1196

Dear Governor Carcieri:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Rhode Island's existing election code and procedures to include possible changes due to recent federal legislation, I have identified two initiatives that the Rhode Island legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Rhode Island's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Rhode Island. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Rhode Island's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Rhode Island's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Rhode Island's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Mark Sanford
Governor
Office of the Governor
P.O. Box 12267
Columbia, SC 29211

Dear Governor Sanford:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing South Carolina's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives that the South Carolina legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for South Carolina's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from South Carolina. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to South Carolina's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to South Carolina's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in South Carolina's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other

states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Mike Rounds
Governor
South Dakota State Capitol
Pierre, SD 57501

Dear Governor Rounds:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing South Dakota's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the South Dakota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for South Dakota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from South Dakota. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to South Dakota's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to South Dakota's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in South Dakota's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if

desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Phil Bredesen
Governor
Tennessee State Capitol
Nashville, TN 37243

Dear Governor Bredesen:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Tennessee's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Tennessee legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Tennessee's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Tennessee. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Tennessee's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Tennessee's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Tennessee's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Rick Perry
Governor
P.O. Box 12428
Austin, TX 78711

Dear Governor Perry:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Texas's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Texas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Texas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Texas. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Texas's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Texas's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Texas's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Jon Huntsman Jr.
Governor
203 State Capitol
Salt Lake City, UT 84114

Dear Governor Huntsman:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Utah's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Utah legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Utah's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Utah. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Utah's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Utah's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Utah's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable James H Douglas
Governor
Vermont State House
109 State Street, Pavilion
Montpelier, VT 05609-0101

Dear Governor Douglas:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Vermont's existing election code and procedures to include possible changes due to recent federal legislation, I have identified nine initiatives that the Vermont legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Vermont's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Vermont. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Vermont's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Vermont's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Vermont's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Mark Warner
Governor
Virginia State Capitol
Richmond, VA 23219

Dear Governor Warner:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Virginia's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives that the Virginia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Virginia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Virginia. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Virginia's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Virginia's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Virginia's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Gary Locke
Governor
Office of the Governor Legislative Bldg
P.O. Box
Olympia, WA 98504-4000

Dear Governor Locke:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Washington's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Washington legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Washington's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Washington. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Washington's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Washington's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Washington's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other

states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

January 17, 2005

The Honorable Joe Manchin III
Governor
West Virginia State Capitol
Charleston, WV 25305

Dear Governor Manchin:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing West Virginia's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the West Virginia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for West Virginia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from West Virginia. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to West Virginia's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to West Virginia's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in West Virginia's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if

desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Jim Doyle
Governor
115 East State Capitol
Madison, WI 53702

Dear Governor Doyle:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Wisconsin's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Wisconsin legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Wisconsin's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Wisconsin. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Wisconsin's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Wisconsin's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Wisconsin's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Dave Freudenthal
Governor
Wyoming State Capitol
Cheyenne, WY 82002

Dear Governor Freudenthal:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Wyoming's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Wyoming legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Wyoming's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Wyoming. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Wyoming's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Wyoming's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Wyoming's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Anthony Williams
Mayor of District of Columbia
1350 Pennsylvania Avenue, NW
Suite 221
Washington, DC 20004

Dear Mayor of District of Columbia Williams:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Washington, D.C.'s existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Washington, D.C. legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Washington, D.C.'s citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Washington, D.C.. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Washington, D.C.'s Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Washington, D.C.'s Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Washington, D.C.'s 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation

that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Togiola Tulafono
Governor
American Samoa State Capitol
PagoPago, AS 96799

Dear Governor Tulafono:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing American Samoa's existing election code and procedures to include possible changes due to recent federal legislation, I have identified initiatives that the American Samoa legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for American Samoa's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from American Samoa. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to American Samoa's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to American Samoa's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in American Samoa's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if

desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Felix Camacho
Governor
Executive Chambers
Agana, GU 96910

Dear Governor Camacho:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Guam's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives that the Guam legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Guam's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Guam. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Guam's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Guam's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Guam's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the

UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Aníbal Acevedo Vilá
Governor
Puerto Rico State Capitol
LaFortaleza San Juan, PR 00901

Dear Governor Acevedo Vilá:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Puerto Rico's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives that the Puerto Rico legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Puerto Rico's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Puerto Rico. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Puerto Rico's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Puerto Rico's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Puerto Rico's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment

of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Charles W. Turnbull
Governor
Government House
21-22 Kongens Gade
Charlotte Amalie St. Thomas, VI 00802

Dear Governor Turnbull:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing Virgin Islands's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Virgin Islands legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for Virgin Islands's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from Virgin Islands. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to Virgin Islands's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to Virgin Islands's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in Virgin Islands's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other

states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact

July 31, 2012

The Honorable Richard J. Codey
Governor
125 W. State Street
P. O. Box 001
Trenton, NJ 08625

Dear Governor Codey:

Now that the results of the 2004 general election have been realized, it is time to reflect on ways in which we can bring further uniformity and simplification to the absentee voting process for our men and women in uniform, their family members and overseas citizens. After reviewing New Jersey's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the New Jersey legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law for the 2006 general election, they would significantly help to facilitate the absentee voting process for New Jersey's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

Section 1605 of the Public Law 107-107 requires the chief executive authority of each State to submit a report on the status of implementation of these legislative recommendations. The report is required 90 days after receipt of this package. The Federal Voting Assistance Program (FVAP), in turn, is required to transmit these reports to the members of the Congressional delegation from New Jersey. This is the final year of three for the Governor's reporting requirement mandated by Federal law.

I am providing a suggested format to assist you in providing your report to New Jersey's Congressional delegation. Please insert a brief response in the space provided after each of the initiatives and return with a cover letter signed by you summarizing any UOCAVA related legislation that the state has passed in the past 5 years and include overall comments or observations. I will then forward your report as received to New Jersey's Congressional delegation. This report should be submitted electronically to initiatives@fvap.ncr.gov and then by mail to:

Director, Federal Voting Assistance Program
1777 North Kent Street, Suite 14003
Arlington, VA 22209-2162

As you review the enclosed initiatives for possible inclusion in New Jersey's 2005 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if

desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let’s continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

P.K. Brunelli
Director

Enclosure:

- (1) Legislative initiatives
- (2) Suggested report format
- (3) Disk including legislative initiatives and suggested report format

Copy to:

- (1) State Chief Election Official
- (2) State Point(s) of Contact
- (1)

Late Registration Procedure

We recommend that Alabama **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Alabama's use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. **Thirteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. **Forty-nine** states allow electronic transmission of at least part of the absentee voting process. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Special Write-In Absentee Ballot

We also recommend Alabama provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame**. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does

not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alabama money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alabama's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics

transmission of voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that Alaska **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American

membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alaska money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alaska's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Thirteen** states

have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

American Samoa 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current American Samoa election law requires that the FPCA must be sworn to by a person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S. or the Territories

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a citizen outside the Territory who has never lived in the Territory has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that American Samoa's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that American Samoa **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend American Samoa provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from American Samoa in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in

advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. Presently, there are eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow the chief election officer more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that American Samoa allows the electronic transmission of the FPCA for registration and absentee ballot request. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The chief election officer may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information that is requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.

The adoption of this initiative would save the territory money and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the territory;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.*

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face American Samoa military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Arizona 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arizona military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Arizona **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arizona's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Arkansas 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arkansas military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Arkansas allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Arkansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner.

Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the State money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Arkansas enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and that registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballots.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We**

recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 7-5-406 of the Arkansas Election Laws refers to the Overseas Citizens Voting Rights Act of 1975. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the *Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arkansas’s Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or

rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

California 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face California military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process,

improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are

subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that California's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. Fifteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Colorado 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Colorado military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Colorado **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission of election materials has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Colorado has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Ten other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Connecticut 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Connecticut military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize that Connecticut provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Connecticut enacted legislation to provide for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. However, voters using the FPCA to register are required to simultaneously mail the original, which must arrive by 5:00 p.m. on the day before the election for the ballot to be counted. The electronic transmission methodology is there to ensure the FPCA is received by the state's deadline. If the electronically transmitted FPCA for registration is not recognized until the mail version is received then the availability of electronic transmission is of no benefit to the voter. We realize the original FPCA should be mailed in all cases regardless, however we urge an extension to the acceptance deadline for the original FPCA when the voter has utilized the electronically transmitted option.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We realize that Connecticut law allows recently discharged members of the military returning to the state too late to register during the regular registration period to register to vote up until 5:00 p.m. on the last weekday before an election. We recommend that **Connecticut allow persons recently separated from overseas employment, and their family members, to be able to register late or be exempt from registration.** Many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet the normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem.

Sample Language

A person who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Connecticut extend the availability of the state write-in absentee ballot to non-Uniformed Services overseas electors. The purpose of the state write-in absentee ballot is to **provide a method for voting by persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Use of the Federal Write-In Absentee Ballot (FWAB)

The state of Connecticut is exempt from use of the Federal Write-In Absentee Ballot (FWAB) by Section 103 (f) in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These statements exempt states that make ballots available to military voters at least 90 days before the general election and as soon as the candidate list is available for other UOCAVA citizens.

The intent of the Federal Write-In Absentee Ballot (FWAB) is to aid the enfranchisement of U.S. citizens overseas wishing to vote for Federal Offices in general elections who make timely application for, but do not receive an absentee ballot.

The intent of the current Connecticut Special Write-In Absentee Ballot is to assist members of the military and their family members who are not able to follow the regular absentee ballot application procedure.

The Connecticut Special Write-In Absentee Ballot does not accommodate citizens who request a state absentee ballot in a timely manner and do not receive it in time to vote and return it to meet the state's ballot deadline. The FWABs, which are prepositioned at military installations and U.S. Embassies and Consulates worldwide fulfill this purpose for all overseas U.S. citizens except those whose legal residence is Connecticut.

We recommend that Connecticut allow overseas UOCAVA citizens who have requested a state absentee ballot in a timely manner and not received it in time to vote and return it to meet the state's ballot deadline be allowed to use the Federal Write-In Absentee Ballot.

Sample Language

The Federal Write-In Absentee Ballot (FWAB) will be accepted from uniformed services and overseas voters who make timely application for, and do not receive a regular absentee ballot. The following rules shall apply with respect to the FWAB:

(1) In completing the ballot, the overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of the political party (in which case the ballots shall be counted for the candidate of that political party).

(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of the political party shall be counted as a vote for the electors supporting the candidate involved.

(3) Any abbreviation, misspelling, or other minor variation in the spelling of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Connecticut's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

District of Columbia 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that the District of Columbia **allow persons recently separated from the Uniformed Services or overseas employment and their family members to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in the District of Columbia just prior to an election. This time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and registration requirements combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend that the District of Columbia provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal timeframe.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB

was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize the District of Columbia allows electronic transmission of the FPCA for registration and absentee ballot request and permits faxing of the absentee ballot when military service prevents the voter from receiving and returning the voted ballot. However, we encourage you to expand the use of this alternative to include electronic transmission of the blank and voted ballots for all military and overseas citizens, electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate these alternatives.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies

and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general elections and Federal offices if:

- (1) the information submitted complies with the District's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter resides outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the jurisdiction;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in the U.S., they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote.

Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Delaware 2005 Legislative Initiatives and Sample Language

Return of Voted Ballot by Close of Polls on Election Day

We notice Delaware requires UOCAVA voters to return their voted ballot by 12:00 noon on the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Delaware accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process. We realize Delaware has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for electronically sending the ballot to the voter and accepting the voted ballot from the voter.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that **Delaware allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Delaware's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We

recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Florida 2005 Legislative Initiatives and Sample Language

State Write-In Absentee Ballot

We recommend that Florida provide a state write-in absentee ballot for **all elections**. We commend you for passing legislation that allowed for a state write-in ballot for general elections. However, we request that you expand this to all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame for all elections**. Thus, a voter would know that they could exercise their right to vote for all Florida elections, not just one. We encourage you to include this in your next legislative package.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently in Florida, the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We

recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have

passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Although Florida passed legislation allowing the electronic transmission of the blank ballot and receipt of the voted ballot by overseas U.S. citizens, we encourage you to expand the use of this alternative. We request that Florida allow election officials to electronically send the blank ballot and accept the voted ballot electronically from military voters **in the U.S.**, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate this alternative.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors via electronic transmission.

Georgia 2005 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Georgia's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Georgia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Georgia enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and the registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure

enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Guam 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current Guam election law requires that the ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Guam's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Guam allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Guam Election Code

The Guam Election Code refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the Guam election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the Guam Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Special Write-In Absentee Ballot

We also recommend Guam provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from Guam in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state or territory does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration and ballot request, sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.*

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Hawaii military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Hawaii allow persons recently separated from the Uniformed Services, the merchant marine, or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Although Hawaii Revised Statute Section 15-3 states "...any former registered voter of Hawaii may vote an absentee ballot in any presidential election occurring within twenty-four months after leaving Hawaii...", This statute does not cover members of the Uniformed Services, the merchant marine, or citizens employed overseas, and family members that have been away for over 24 months. Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. A special late registration procedure for these circumstances would solve this problem. **Twenty-six** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state

deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. While Hawaii offers electronic transmission of election materials, the fact remains that by **expanding the use of the FWAB to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Hawaii money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

State Special Write-In Absentee Ballot

We also recommend Hawaii provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Idaho 2005 Legislative Initiatives and Sample Language

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under the *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Idaho's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country whom may have otherwise been unable to vote. This initiative has helped ensure these

citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Idaho allows for the electronic transmission of the Federal Post Card Application (FPCA) for absentee ballot request. We recommend expanded use of this alternative to include electronic transmission of the FPCA request for registration as well as electronic transmission of the blank ballot to the voter and acceptance of the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Idaho **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Idaho provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the State in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the State. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election

and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the*

request is submitted; and

- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Late Registration Procedures

Illinois currently allows members of the Armed Forces or merchant marine, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Illinois expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's 30-day residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Application for Ballot by Proxy to Overseas Citizens

Currently, Illinois allows spouses, and other family members, to use a special application provided by the local election official to request that an absentee ballot be mailed to members of the Uniformed Services. **We recommend this option be expanded to allow spouses and other family members of overseas civilian citizens to request an absentee ballot be mailed to them.**

Sample Language

If a spouse, dependent, mother, father, sister or brother of a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is registered to vote in the same county as that citizen, he or she may request that an absentee ballot be mailed to that voter by completing a special application provided by the local election official.

State Special Write-In Absentee Ballot

We also recommend Illinois provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by**

military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame. A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic

transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Illinois enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for ballot requests by members of the Armed Forces. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise them. **Thirteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk official

may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 10 of the Illinois Election Laws makes no reference to Federal law. In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which the Federal Voting Assistance Program administers. **Reference to the UOCAVA in the state election code** would help election officials and interested citizens find guidance to applicable federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Illinois money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Illinois' **State Board of Elections/Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The State Board of Elections/Chief Election Official and the Federal Voting

Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission or fax. As an example, in light of the surge of Guard and Reserve forces being deployed, the State Board of Elections/Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The State Board of Elections/Chief Election Official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The State Board of Elections/Chief Election Official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the State Board of Elections/Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The State Board of Elections/Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Indiana 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Indiana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Indiana provides 45-day transit time for General and Primary elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the

Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided

in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Iowa 2005 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Iowa enacted legislation to provide for electronic transmission of the Federal Post Card Application request for registration and an absentee ballot. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. The following sample language would allow for these procedures.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We understand Iowa currently allows discharged military personnel to register late. **We encourage expanding this option to their family members and overseas citizens who may go through a transition period when they first leave the Uniformed Services or**

overseas employment and may reside in your state just prior to an election. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home after active duty or employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Kansas 2005 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kansas' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Kansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and

Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and runoff elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or

she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Kentucky 2005 Legislative Initiatives and Sample Language

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 117 of the Kentucky Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kentucky's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Kentucky enacted legislation, which provides for the electronic transmission of the Federal Post Card Application (FPCA) for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic

transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that **Kentucky allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Kentucky provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with

American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law. In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Louisiana 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem, which continues to face Louisiana military and overseas voters, is the extremely short period of time these voters have to receive, vote, and return their absentee ballots **for non-Presidential elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states currently have a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Louisiana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Uniformed Services, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Louisiana allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Louisiana provide a state write-in absentee ballot for all elections, *not only the Presidential election.* The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the

regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Maine 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that Maine **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Maine has enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) request for registration and ballot. We recommend expanded use of this alternative to include electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the

Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face Maine military and overseas voters is the short period of time these voters have to receive, vote, and return their absentee ballots for **non-Federal elections**. While electronic transmission of election materials offers an alternative to inadequate

ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. However, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Maine's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting

Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Maryland 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

Although the Maryland General Assembly deleted the late registration provision from Maryland law, we never-the-less encourage you to recommend that Maryland reinstate procedures **to allow persons recently separated from the Uniformed Services and their family members to be able to register late (or be exempt from registration)**. Previously, honorably discharged military personnel and their spouses and dependents could still vote absentee if a Federal Post Card Application arrived not later than 8 p.m. on election day. Additionally, we recommend that Maryland expand this procedure **to allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**.

Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states now allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

Although Maryland provides ample time for transit of ballots under normal circumstances, especially with late counting, we continue to recommend that Maryland provide a state write-in absentee ballot for all elections as a means to vote in case there are delays in mailing and returning absentee ballots. Again, the main purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be

able to receive, vote, and return the regular ballot from the state in time to be counted.

Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official. Also a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Maryland has done an exceptional job passing legislation on behalf of *UOCAVA* voters regarding electronic transmission of election materials. However, we request your consideration again to make further changes in Maryland law/administrative procedures that would include the faxing of the voted ballot for all *UOCAVA* absentee voters and of the FPCA for registration purposes. We realize that Maryland allows faxing of the FPCA for an absentee ballot request and now the unvoted ballot and that Maryland law

prohibits electronic facsimile if the document requires a signed affidavit. However, we encourage expansion of this alternative to include electronic transmission of the FPCA for registration (since we instruct voters to submit the original, signed FPCA after faxing and the FPCA form is a simultaneous request for registration and request for absentee ballot) and acceptance of the voted ballot electronically from the voter (signature already on file) where circumstances would otherwise disenfranchise a citizen. The sample language below accommodates these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local board of elections may receive FPCAs for registration, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

We appreciate the action taken by the Maryland State Board of Elections to allow overseas voters to cast votes for state and local offices in primary and special Federal elections using the Federal Write-In Absentee Ballot (FWAB). Since this ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership, many overseas citizens have access to it and would not be disenfranchised because their regular ballots were not received in a timely manner.

In addition, however, for those citizens that desire to vote in elections for Federal office only, we request the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB**. This would further simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for elections for Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*. To address your concerns about lack of control over the process, the citizen must provide a valid Maryland residence address and sign the FPCA attesting that he/she is a U.S. citizen and is not voting in any other jurisdiction.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Massachusetts military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. The fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Massachusetts provides 45-day transit time for Primary elections (35 days before election and 10 days extended counting after election). However, expanding this provision to **all elections** would help ensure enfranchisement. **Thirty-nine** states now allow 45-day ballot transit time for general elections.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

State Special Write-In Absentee Ballot

We also recommend Massachusetts provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame**. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. We realize Massachusetts provides a special write-in absentee ballot if the local election official does not have the regular state ballot available for mailing. However, expanding this provision by making this ballot available upon request by UOCAVA citizens and expanding its use for all elections would help ensure enfranchisement. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military

installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Massachusetts' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National

Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Massachusetts has enacted legislation allowing citizens to send the Federal Post Card Application (FPCA) via electronic transmission. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot via electronic transmission from these voters where circumstances would otherwise disenfranchise them. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for local, state and Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Massachusetts money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Michigan 2005 Legislative Initiatives and Sample Language

Use of One Federal Post Card Application (FPCA) for ALL Elections in a Calendar Year

Congress modified the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* in December 2001 to require the States, effective immediately, to accept a single FPCA, that is received 30 days or more before an election, as a simultaneous voter registration and absentee ballot application for all elections for Federal offices held in the State during that calendar year. FVAP reminds you of this requirement and recommends extension of this provision to include all State and local elections for which the citizen is eligible to vote. We recommend that the following procedure be adopted:

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Notary Requirement

Current Michigan election law requires that the FPCA used to register and request absentee ballots or to request absentee ballots only, must be sworn to before an official authorized to administer oaths if the requesters are Michigan residents temporarily residing outside the U.S. and unaffiliated with the U.S. Federal Government, or overseas citizens. This notary requirement continues to be a problem for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. We heard this many times over in the 2004 Presidential election year. Some voters have paid \$90 to obtain notarial services to exercise their right to vote. In many countries, there are no notaries in their system of jurisprudence. We strongly recommend action this legislative year to **remove the notary requirement for all absentee balloting materials or not require notarization after initial registration notary is provided**. To this end, we support HB 6061, which is currently under consideration in your legislature. Please contact us to provide testimony for, or to write letters in support of, this legislation. **Michigan is one of only six states and territories that have a notary requirement for the Federal Post Card Application for citizens outside the U.S.**

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

"Not Earlier Than" Restrictions

We also note that Michigan has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, i.e., not earlier than 75 days before the election and not later than the Saturday before the election. The "not earlier than" limitation has also caused a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters.

We appreciate the fact that you have provided an administrative instruction to hold applications that arrive earlier than 75 days before the election. However, we urge that the **"not earlier than" dates for ballot requests be eliminated** completely by legislation. Further, we recommend a part in the statutes be established for Federal absentee voters separate from regular absentee voters. Your laws now address each class of voter the same way even though there are quite different circumstances between a regular absentee voter who will not be present at the polls on election day due to vacation, hospitalization, etc. and a Federal absentee voter who requires more time to request an absentee ballot. **Forty-nine** states have already removed such requirements.

Late Registration Procedures

We recommend that Michigan **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for **all elections**. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the blank ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Minnesota military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as State Department personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Minnesota **allow persons recently separated from the Uniformed Services or overseas employment and their family members to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Notary Requirement

We realize notarization of the FPCA and the ballot return envelope is not necessary if a voter provides his/her military ID number or passport number. However, if a voter overlooks this requirement or if he or she is unable to obtain notarial services, he or she may be disenfranchised. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

State Write-In Absentee Ballot

We also recommend Minnesota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame**. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states beyond Federal law that have expanded the use of the FWAB and the 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Minnesota has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided

in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Minnesota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Mississippi 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current Mississippi election law requires that the affidavit on the absentee ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Return of Voted Ballot by Close of Polls on Election Day

We notice Mississippi requires UOCAVA voters to return their voted ballot by 5:00 p.m. the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, the voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Mississippi accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 23, Section 23-15-677 of the Mississippi Election Laws refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that **Mississippi allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Mississippi provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or

she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Notary Requirement

Current Missouri election law requires that the state ballot envelope must be witnessed by a notary public or other officer authorized by law to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid **\$90** to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Missouri Election Laws do not refer to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Missouri enacted legislation allowing citizens to send the FPCA via electronic transmission when requesting an absentee ballot. We encourage expanded use of this alternative to include electronic transmission of the FPCA for ballot request and registration, electronically sending the ballot to the voter, and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Ten other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission

envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a Uniformed Service member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Montana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

State Special Write-in Absentee Ballot

We also recommend that Montana provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows

voting for Federal offices only. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Bring Montana Election Code into Conformance with the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In our recent update to the Voting Assistance Guide it came to our attention that there is a discrepancy in the definition of eligible citizens between the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* and the Montana Election Code. Section 13-2-211 of the Montana code defines an “elector in the United States service” as members of the armed forces, merchant marine, religious groups or welfare agencies attached to the armed forces, or citizens temporarily residing outside the U.S. territorial limits, and their spouses and dependents. UOCAVA does not cover members of religious groups or welfare agencies attached to the armed forces unless they are serving overseas. In addition to the other categories of citizens listed in the Montana code, UOCAVA also includes “uniformed services” – the Coast Guard and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration. (See 42 U.S.C. 1973ff-1 and ff-6.)

We recommend that Montana review the language in the *Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA, 42 U.S.C. 1973ff et seq.)* and make appropriate amendments to the state election law provisions to include the Uniformed Services groups referenced above.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Montana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Montana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

State Special Write-in Absentee Ballot

We also recommend that Montana provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows

voting for Federal offices only. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Montana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Nebraska 2005 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Nebraska enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests. We recommend expanded use of this alternative to include electronic transmission of the unvoted ballot to the voters covered by UOCAVA, and accepting the voted ballot from these voters via electronic transmission. **Thirteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Nebraska's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Nebraska 2005 Legislative Initiatives and Sample Language

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Nevada 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

Nevada currently allows members of the Armed Forces, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Nevada expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the termination date of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home from employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised due to time and location constraints, by allowing them to cast a ballot when they would not otherwise have been able to vote.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process to include electronic transmission of the FPCA for registration by all citizens voting under the Uniformed and Overseas Citizens Absentee Voting Act, electronically sending the ballot to these citizens and accepting the voted ballot from these citizens where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Nevada provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state

does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Nevada's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of

this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

New Hampshire 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New Hampshire military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, electronically sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Hampshire's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

New Jersey 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We realize that **New Jersey allows persons recently separated from the Uniformed Services and their family members as well as civilians attached to or serving with the Uniformed Services to register late and obtain an emergency voting form.** We recommend this option be expanded to civilian citizens returning to New Jersey after overseas employment. Many of these citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that New Jersey enacted legislation to provide for the electronic transmission of the FPCA for ballot request, the electronic receipt of the blank ballot by the voter, and accepting an overseas ballot by electronic means. We encourage expanded use of this alternative to accept electronic transmission of the FPCA for registration purposes and to include electronically accepting the voted ballot from the Uniformed Services voter who is out of the state, but not necessarily overseas, on election day where these circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, or a family member, and is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend New Jersey provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the

actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Jersey's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

New Mexico 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that New Mexico **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend New Mexico provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee

ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time

and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

New York 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New York military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. This is why it is necessary to allow a minimum of 45 days transit time for absentee ballots.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **New York allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that New York provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of the *Federal Voting Assistance Act of 1955* and the *Overseas Citizens Voting Rights Act of 1975* into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the New York election**

code will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the New York Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints. Currently, forty-nine states allow electronic transmission of election materials.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We enlist your support once again this year in developing the **acceptance of electronic transmission for all parts of the process**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider using modern technology in the absentee voting process. We encourage the use of this alternative to include the **electronic transmission of the FPCA for registration and ballot request, the blank ballot to the voter, and the voted ballot from the voter** where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A county board of elections official may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates,

military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the*

state;

- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that New York's **Chief Election Official (CEO) have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The CEO and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

North Carolina 2005 Legislative Initiatives and Sample Language

One Federal Post Card Application for All Elections.

The *National Defense Authorization Act of Fiscal Year 2002* states that, “If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed service voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(a)(4)) and the voter requests that the application be considered an application for an absentee ballot for each subsequent election For Federal office held in the State during that year, the State shall provide an absentee ballot to the voter for each subsequent election for Federal office held in the State during that year.” This section was amended by the *Help America Vote Act of 2002* to extend the period covered by the single absentee ballot application through the next two regularly scheduled general elections for Federal office. We strongly recommend legislation be enacted to include North Carolina residents who registered locally prior to January 1, 2004 (when this provision of *HAVA* was enacted) and then go overseas to be able to use one FPCA for all elections through the next two regularly scheduled general elections for Federal office. These citizens currently must send in a FPCA or written request before each election.

State Write-In Absentee Ballot

We recommend that North Carolina provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of Uniformed Services members and overseas citizens who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Please consider expanding the use of modern technology to overseas citizens. We realize that North Carolina allows the submission of the Federal Post Card Application for registration and absentee ballot request by overseas citizens. However, this should be extended to allow the faxing of the blank and voted ballot to these citizens from your state as you have done for Uniformed Services members. Thus, we strongly encourage expanded use of this alternative to include the transmission of the blank ballot by fax to **all UOCAVA** voters and the acceptance of the voted ballot from **all UOCAVA** citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 ——— days before the election or by the registration deadline established by the state.*

Late Registration Procedures

We realize that North Carolina currently **allows persons recently separated from the Armed Forces to register and vote in person up to and including election day.** We recommend expanding this option to Uniformed Services family members and to citizens returning from overseas employment. Many of these citizens go through a transition period and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

North Dakota 2005 Legislative Initiatives and Sample Language

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 16 of the North Dakota Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **North Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Ohio 2005 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Ohio's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

We realize that Ohio enacted legislation to provide for electronic transmission of the FPCA for ballot request and electronic transmission of the blank ballot to voters in the Uniformed Services. We encourage expanded use of this alternative to all UOCAVA citizens to include electronic transmission of the Federal Post Card Application for registration, electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Sample Language

An applicant who is a member of the United States Uniformed Services, the merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expansion of Late Registration Procedures

We realize that Ohio allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may not know in which state they will live. Others may move to a new state and not meet the state's residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services by separation from the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Waiver of Registration for Citizens Covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

While we realize that registration is waived in Ohio for members of the U.S. Armed Forces and their family members, we encourage expansion of this provision to include all groups covered in the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* definitions. The following is an extract from the UOCAVA, 42 USC 1973ff-6. Section 107. Definitions:

“(1) "absent uniformed services voter" means --

- (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;
- (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and
- (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote

and

“(7) “uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration”.

The sample language below will accommodate this provision.

Sample Language

If you are a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act, your registration is waived and you may request an absentee ballot by submitting an FPCA so it is received by the county board of elections not later than 3 days before the election.

State Write-In Absentee Ballot

We also recommend Ohio provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be

accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Oklahoma 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oklahoma military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to the timely delivery of absentee ballots for those who request them. For Oklahoma, our *2004-2005 Voting Assistance Guide* states that local election officials mail out ballots approximately 30 days before an election. While we commend you for expanding the time between the state run-off election and the General Election, Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** other states have increased their ballot transit times to greater greater than 30 days.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although we realize that Oklahoma enacted legislation to provide for the electronic transmission of the FPCA ballot request, and for the electronic transmission of the blank ballot and acceptance of the voted ballot under certain limited circumstances, we encourage expanded use of this alternative to include the use of electronic transmission of the blank ballot and acceptance of the voted ballot on a regular basis, as an alternative method, not merely during certain limited circumstances.

Sample Language

An elections official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Oregon 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oregon military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Oregon provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expansion of Late Registration Procedures

We realize that Oregon allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services or the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Oregon has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request and electronic transmission of the blank ballot. We encourage expanded use of this alternative to include acceptance of the voted ballot from the voter by electronic transmission where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send a blank ballot to a voter and accept voted ballots via electronic transmission from eligible electors.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law. In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB

transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Oregon's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the

Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Pennsylvania 2005 Legislative Initiatives and Sample Language

Return of Voted Ballot by Close of Polls on Election Day

Pennsylvania continues to require voters covered under the *Uniformed and Overseas Absentee Voting Act (UOCAVA)* to return their voted ballot by 5:00 p.m. on the Friday before the election. This deadline is earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. For this reason we recommend that Pennsylvania accept voted ballots from all *UOCAVA* citizens until the close of polls on election day. Only **four** other states require the return of the voted ballot before election day.

Late Registration Procedures

We recommend that **Pennsylvania allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We request your support in developing the **acceptance of electronic transmission of absentee ballots in Pennsylvania.** With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to

voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize that Pennsylvania allows the submission of the Federal Post Card Application for registration and absentee ballot request. However, Pennsylvania now only allows the electronic transmission of the blank ballot if a person is in a designated hostile fire, imminent danger pay, combat zone or qualified hazardous duty area. Further, there is no faxing of the voted ballot in your state. We strongly encourage expanded use of this alternative to include the transmission of the blank ballot by fax to all *UOCAVA* voters and the acceptance of the voted ballot (to include a waiver of privacy) from all *UOCAVA* citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special and primary elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, and primary elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:
If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that **Pennsylvania's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Puerto Rico election law requires that the FPCA and the ballot return envelope must be sworn to by a person authorized to administer oaths. Depending on the category of *UOCAVA* voter, the oath must be administered by a commissioned officer, the highest officer on board ship, an official in the school registrar's office, a notary public, or a consular officer. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We strongly recommend **removal of the notary requirement for all absentee balloting materials**. **Forty-nine** states and territories have eliminated the notary requirement on all election materials.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that **Puerto Rico allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in Puerto Rico just prior to an election and this time frame does not meet Puerto Rico's normal residency requirements. Often, the date of discharge or termination of overseas employment and a commonwealth's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states and territories currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular commonwealth deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Special Write-In Absentee Ballot

We also recommend that Puerto Rico provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from Puerto Rico in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular absentee ballot from Puerto Rico does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, commonwealth, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. Puerto Rico will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election

and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the commonwealth for general election and Federal offices if:

- (1) the information submitted complied with the commonwealth's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate commonwealth election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save the commonwealth money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, commonwealth and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the commonwealth of Puerto Rico;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate Puerto Rico election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Commonwealth Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the commonwealth's election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. **Thirty-seven** states and territories now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although Puerto Rico currently allows electronic transmission of the FPCA, including fax and email, we encourage the use of this alternative to include the electronic transmission of the FPCA for electronically sending the blank ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise them. **Thirteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The Commonwealth Elections Commission may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the Commonwealth of Puerto Rico has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Puerto Rico's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states and territories have passed legislation giving

the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this commonwealth, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the Commonwealth.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Rhode Island 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

Despite the alternative of mailing the official state blank ballot 45 days before an election if the official ballot is not yet available, Rhode Island military and overseas voters continue to have an extremely short period of time to receive, vote, and return their absentee ballots in order to be counted (21 days) in the regular absentee ballot delivery process. While electronic transmission of election materials offers an alternative to speed ballot transit time, inadequate ballot transit time through the mail remains the primary obstacle to timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Coverage and Notary Requirement

Under Section 17-20-6.1, Rhode Island provides that the Federal Post Card Application (FPCA) may be used as a request for an absentee ballot by the following groups under *UOCAVA* (42 U.S.C. § 1973ff):

- (1) A member of the armed forces who is absent from the state by reason of being in active service;
- (2) Any person absent from the state in performance of "services intimately connected with military operations" as defined in § 17-20-3(d); and
- (3) Any person who is employed outside of the United States as defined in § 17-20-3(c)

In contrast, *UOCAVA* includes Uniformed Services and overseas citizens defined in Section 107 as follows:

- (1) "absent uniformed services voter" means --:

- (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;
 - (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and:
 - (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote;
- (5) "overseas voter" means --:
- (A) an absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;
 - (B) a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or:
 - (C) a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

Rhode Island law excludes *UOCAVA* citizens who mark 8.d. on the FPCA from the procedures of 17-20-6.1, which waives registration, and subjects them to additional procedures in Section 17-21.1-3 by requiring them to submit the Mail Ballot Application and affidavit prior to mailing the absentee ballot. This introduces additional steps and mailing time into the process and the requirement to obtain notarial services to exercise their right to vote. In many countries, voters have paid up to \$90 for these services and other countries do not have notaries in their system of jurisprudence.

Thus, we request that Rhode Island include those overseas citizens currently covered by these separate procedures in Section 17-21.1-3 under Section 17-20-6.1 to allow these citizens to use the FPCA to request an absentee ballot in the same way as the rest of the *UOCAVA* citizens. As an alternative, Rhode Island could include the Mail Ballot Application along with the ballot to register the applicant and have the citizen attest to a self-administered oath on the form, eliminating the requirement for a notary.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Rhode Island's **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually

establish expeditious methods for handling absentee ballots including electronic transmission.

We note that in 2003 Governor Carcieri signed into law legislation naming the Secretary of State (SoS) the Chief State Election Official in Rhode Island and that your Legislative Implementation Report for 2004 indicates that the SoS intends to introduce legislation to provide the necessary emergency authority for the SoS as the chief election official. If we can help in this effort, please let us know.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

South Carolina 2005 Legislative Initiatives and Sample Language

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to use of modern technology in the absentee voting process. We realize South Carolina has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request and for the electronic transmission of the blank ballot and acceptance of the voted ballot in emergency situations only. We encourage expanded use of this alternative to include the use of electronic transmission of the blank ballot and acceptance of the voted ballot on a regular basis, as an alternative method, not merely during emergencies.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to

apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

South Dakota 2005 Legislative Initiatives and Sample Language

Notary Requirements

South Dakota requires the ballot return envelope for military in the United States (U.S.) and overseas citizens to be notarized by a notary public or other person authorized to administer an oath. This requirement creates a burden for military members who may be assigned to a small military installation that may not have an officer available at all time, as well as, individuals living overseas where such services are difficult and expensive, if not impossible to obtain. We realize in lieu of a notarized signature individuals may provide a photo copy of a valid ID such as a South Dakota Drivers License or nondriver ID card; a passport or other picture ID issued by the U.S. government; a tribal photo ID or a photo ID issued by a South Dakota postsecondary education institution. However, we recommend removal of the notary requirement for all absentee balloting materials for military in the U.S. and overseas citizens. Forty-nine states have eliminated the notary requirement on all election materials to date.

Late Registration Procedures

We recommend that South Dakota **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these

citizens to claim legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **South Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit

time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration and ballot request, electronically sending the ballot to the voter and accepting the voted ballot from the voter, where circumstances would otherwise disenfranchise a citizen. Below is suggested language allowing for electronic transmission to be used in these three steps of the absentee voting process.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend South Dakota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Tennessee 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that Tennessee **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Tennessee enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronic transmission of the FPCA for registration, electronically sending the blank ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample language allowing for these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Use of FWAB as state special write-in by all UOCAVA citizens:

A citizen voting under the UOCAVA who, due to military or other contingencies that preclude normal mail delivery who will be unable to vote by regular absentee ballot, may use a Federal Write-In Absentee Ballot to vote in Federal elections for Federal office for the candidate of his or her choice.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Tennessee's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be

necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

Section 2-6-112 of the Tennessee Election Law refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Texas 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

Even though Texas has enacted a 30-day registration deadline as a safeguard to prevent fraud, we still encourage Texas to **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late, e.g., up to the day of the election, or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election (within 30 days of the election). This time frame does not meet your state's current registration requirements. Further, the date of discharge or termination of overseas employment and the Texas registration requirement may combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently have such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We realize that Texas provides a state special write-in absentee ballot to Uniformed Services members if they are unable to cast a ballot on election day or during the early voting period because of a military contingency. We recommend expansion of this state write-in absentee ballot to **provide a method for voting by other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient

time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Thus, we request your support **to develop acceptance in Texas for the electronic transmission of the blank and voted ballots to all UOCAVA voters**. With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of this modern technology in the absentee voting process. We realize that Texas provides for the electronic transmission of the FPCA for registration and early voting ballots. Additionally, in 1997, Texas enacted legislation to allow the electronic transmission of the voted ballot by members of the U.S. Armed Forces on active duty overseas, or their family members, if the Armed Forces members are casting the ballot from an area where the members are eligible to receive hostile fire pay or imminent danger pay, or that has been designated by the President of the United States as a combat zone. However, we continue to encourage expanded use of this alternative to include electronically sending the blank ballot to all Texas UOCAVA voters who request it and accepting the voted ballot where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

We recognize that Texas recently passed a law that expanded the use of the Federal Write-In Absentee Ballot (FWAB) to any special, primary or runoff election for Federal offices. In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve ballot transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that instead of the Texas Governor, Texas' **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Federal Voting Assistance Program is in closer contact with the Chief Election Official and could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Utah 2005 Legislative Initiatives and Sample Language

Notary Requirement

Currently Utah requires the ballot return envelope to be certified by a noncommissioned or commissioned officer if it is not possible to obtain a military postmark on or before election day. This requirement creates a burden for military members who may be assigned to a small military installation that may not have an officer available at all time. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Utah's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard

and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Currently, acceptance of electronic transmission of election materials varies from county to county in Utah. Consideration should be given to more uniform use of modern technology in the absentee voting process. We encourage statewide adoption of procedures to allow for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot request, electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We realize Utah provides a Special Military Write-In Absentee Ballot if the citizen will be unable to vote by regular ballot. We recommend expanding use of this ballot to **provide a method for voting to other persons overseas who, due to special**

circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and

unable to receive regular absentee ballots sent in the normal time frame. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states have implemented state write-in absentee ballots for this purpose.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB and the 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in the general election. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner.

Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. On an *ad hoc* basis, during past primaries, several states and jurisdictions allowed the FWAB to be used for offices

other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Vermont 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Vermont military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states have provisions for the 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Vermont's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Removal of Notary Requirement

Current Vermont election law requires that the FPCA used to register must be notarized. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid **\$90** to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, many small military installations may have no commissioned officer assigned.

Alternatively, we recommend unregistered applicants be instructed to read the Freeman's Oath prior to signing the FPCA. Item 8e of the 1995 FPCA contains language where the applicant swears/affirms under penalty of perjury that he or she is "a U.S. citizen, eligible to vote in the above jurisdiction and subscribe to any required state/local oath or statement." This would eliminate the need to attach the oath to the FPCA. For the reasons stated above, we recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Vermont currently allows for electronic transmission of the FPCA for registration and ballot request and electronically sending the blank ballot to the voter. We encourage enacting legislation for acceptance of the voted ballot electronically from the voter

where circumstances would otherwise disenfranchise a citizen. Below is sample legislation that will provide for this alternative.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Vermont **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

State Write-In Absentee Ballot

We also recommend Vermont provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from the State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now have state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. Thirty-seven states have modified state election code to reference UOCAVA.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Late Registration Procedure

The Virgin Islands currently allows members of the Armed Forces and merchant marine, discharged within 60 days of an election and who return to the Virgin Islands too late to register, to vote in the upcoming election. We recommend that the Virgin Islands expand the scope of this procedure and **allow Uniformed Services personnel (Coast Guard, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration), civilians recently separated from overseas employment, and the spouses and dependents of all these groups to be eligible for the same procedure.** These citizens also go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. Expanding the scope of your existing procedure would solve this problem. **Fifteen** states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Special Write-in Absentee Ballot

We also recommend the Virgin Islands provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows voting for Federal offices only. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general election and Federal offices if:

- (1) the information submitted complies with the registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Virgin Islands money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with Virgin Islands registration requirements;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal

residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Virginia 2005 Legislative Initiatives and Sample Language

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have already passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We realize Virginia allows electronic transmission of the FPCA for absentee ballot request. We also note that Virginia has conducted several successful pilot projects with the transmission of blank ballots by electronic mail. We continue to support your innovative electronic voting projects; however, we also continue to encourage expanded use of electronic transmission to include sending the blank ballot to the voter and accepting the voted ballot from the voter by facimile where circumstances would otherwise disenfranchise a citizen. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An election official may send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, Virginia law allows the Federal Write-In Absentee Ballot (FWAB) to be used in all elections and from inside or outside the United States. However, we continue to recommend that the FWAB transmission envelope be accepted as **a request for registration simultaneously with the submission of the completed FWAB**. We realize that legislation has been passed providing that the FWAB can be used to serve as **an application** for an absentee ballot and the absentee ballot itself for Federal offices provided the Registrar received it not less than five days prior to the election. Consideration should be given to simplify the registration and request for absentee ballot request process and improve ballot transit time through the combined use of the FWAB for registration and absentee ballot simultaneously. It should be noted that the information requested on the FWAB transmission envelope, is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). This does not change the data required from your state for these citizens. The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is outside the U.S. or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state .*

The Need for 45-day Ballot Transit Time

The most persistent problem which continues to face Washington military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices.** This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedure

We recommend that **Washington allow persons recently separated from the Uniformed Services, the merchant marine or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting Washington's 15-day late registration deadline. We recommend that UOCAVA citizens be permitted to register up to the day of the next ensuing election when these circumstances arise. **Twenty-six** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the state Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Washington money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We**

recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Washington's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

*The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving *United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.**

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

West Virginia 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that **West Virginia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **West Virginia's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, electronically sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend West Virginia provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and

return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

For those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information that is requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the territory money and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the territory;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Wisconsin 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Wisconsin military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Although Wisconsin local election officials mail absentee ballots 30 days before the general and 21 days before the primary elections, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Notary Requirement

Current Wisconsin election law requires that, for military voters, the certificate-affidavit on the ballot return envelope must be sworn to by a person authorized to administer oaths or witnessed by two adult U.S. citizens. Additionally, for overseas citizens who are required to register, the FPCA must be witnessed by any person authorized to administer oaths or one adult U.S. citizen. We recommend **removal of the notary and witness requirements for all absentee balloting materials**. Forty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Wisconsin **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Wisconsin enacted legislation to provide for the electronic transmission of the FPCA for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wisconsin's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Wyoming 2005 Legislative Initiatives and Sample Language

State Write-In Absentee Ballot

We recommend that Wyoming provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. The FWAB allows voting for Federal offices only. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure near real-time delivery of election materials between the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time substantially.

We note that Wyoming permits absentee ballot requests to be made by telephone and email. We encourage the further use of electronic transmission to include electronically sending the Federal Post Card Application (FPCA) for registration and absentee ballot request, sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the merchant marine, or their family members, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wyoming's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Alaska 2005 Legislative Initiatives and Sample Language

Late Registration Procedure

We recommend that Alaska **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alaska money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he

or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alaska's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never

resided in a state, they would be eligible to vote in elections for Federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Alabama 2005 Legislative Initiatives and Sample Language

Late Registration Procedure

We recommend that Alabama **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative

has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Alabama's use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. **Thirteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. **Forty-nine** states allow electronic transmission of at least part of the absentee voting process. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Special Write-In Absentee Ballot

We also recommend Alabama provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame**. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally

only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alabama money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alabama's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling

absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Arkansas 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arkansas military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Arkansas allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Arkansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely

manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the State money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Arkansas enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and that registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballots.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 7-5-406 of the Arkansas Election Laws refers to the Overseas Citizens Voting Rights Act of 1975. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the *Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arkansas's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

American Samoa 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current American Samoa election law requires that the FPCA must be sworn to by a person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S. or the Territories

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a citizen outside the Territory who has never lived in the Territory has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that American Samoa's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that American Samoa **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend American Samoa provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from American Samoa in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in

advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. Presently, there are eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow the chief election officer more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that American Samoa allows the electronic transmission of the FPCA for registration and absentee ballot request. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The chief election officer may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information that is requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.

The adoption of this initiative would save the territory money and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the territory;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.*

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face American Samoa military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Arizona 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arizona military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Arizona **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arizona's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she

may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

California 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face California military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the

information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that

they have never resided in a state, they would be eligible to vote in elections for Federal office. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that California's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. Fifteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Colorado 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Colorado military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Colorado **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission of election materials has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Colorado has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Ten other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration**

simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Connecticut 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Connecticut military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize that Connecticut provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Connecticut enacted legislation to provide for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. However, voters using the FPCA to register are required to simultaneously mail the original, which must arrive by 5:00 p.m. on the day before the election for the ballot to be counted. The electronic transmission methodology is there to ensure the FPCA is received by the state's deadline. If the electronically transmitted FPCA for registration is not recognized until the mail version is received then the availability of electronic transmission is of no benefit to the voter. We realize the original FPCA should be mailed in all cases regardless, however we urge an extension to the acceptance deadline for the original FPCA when the voter has utilized the electronically transmitted option.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We realize that Connecticut law allows recently discharged members of the military returning to the state too late to register during the regular registration period to register to vote up until 5:00 p.m. on the last weekday before an election. We recommend that **Connecticut allow persons recently separated from overseas employment, and their family members, to be able to register late or be exempt from registration.** Many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet the normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem.

Sample Language

A person who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Connecticut extend the availability of the state write-in absentee ballot to non-Uniformed Services overseas electors. The purpose of the state write-in absentee ballot is to **provide a method for voting by persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Use of the Federal Write-In Absentee Ballot (FWAB)

The state of Connecticut is exempt from use of the Federal Write-In Absentee Ballot (FWAB) by Section 103 (f) in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These statements exempt states that make ballots available to military voters at least 90 days before the general election and as soon as the candidate list is available for other UOCAVA citizens.

The intent of the Federal Write-In Absentee Ballot (FWAB) is to aid the enfranchisement of U.S. citizens overseas wishing to vote for Federal Offices in general elections who make timely application for, but do not receive an absentee ballot.

The intent of the current Connecticut Special Write-In Absentee Ballot is to assist members of the military and their family members who are not able to follow the regular absentee ballot application procedure.

The Connecticut Special Write-In Absentee Ballot does not accommodate citizens who request a state absentee ballot in a timely manner and do not receive it in time to vote and return it to meet the state's ballot deadline. The FWABs, which are prepositioned at military installations and U.S. Embassies and Consulates worldwide fulfill this purpose for all overseas U.S. citizens except those whose legal residence is Connecticut.

We recommend that Connecticut allow overseas UOCAVA citizens who have requested a state absentee ballot in a timely manner and not received it in time to vote and return it to meet the state's ballot deadline be allowed to use the Federal Write-In Absentee Ballot.

Sample Language

The Federal Write-In Absentee Ballot (FWAB) will be accepted from uniformed services and overseas voters who make timely application for, and do not receive a regular absentee ballot. The following rules shall apply with respect to the FWAB:

(1) In completing the ballot, the overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of the political party (in which case the ballots shall be counted for the candidate of that political party).

(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of the political party shall be counted as a vote for the electors supporting the candidate involved.

(3) Any abbreviation, misspelling, or other minor variation in the spelling of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Connecticut's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

District of Columbia 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that the District of Columbia **allow persons recently separated from the Uniformed Services or overseas employment and their family members to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in the District of Columbia just prior to an election. This time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and registration requirements combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend that the District of Columbia provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal timeframe.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB

was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize the District of Columbia allows electronic transmission of the FPCA for registration and absentee ballot request and permits faxing of the absentee ballot when military service prevents the voter from receiving and returning the voted ballot. However, we encourage you to expand the use of this alternative to include electronic transmission of the blank and voted ballots for all military and overseas citizens, electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate these alternatives.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies

and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general elections and Federal offices if:

- (1) the information submitted complies with the District's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter resides outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the jurisdiction;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in the U.S., they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote.

Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Delaware 2005 Legislative Initiatives and Sample Language

Return of Voted Ballot by Close of Polls on Election Day

We notice Delaware requires UOCAVA voters to return their voted ballot by 12:00 noon on the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Delaware accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process. We realize Delaware has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for electronically sending the ballot to the voter and accepting the voted ballot from the voter.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that **Delaware allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Delaware's Chief Election**

Officials have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We

recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Florida 2005 Legislative Initiatives and Sample Language

State Write-In Absentee Ballot

We recommend that Florida provide a state write-in absentee ballot for **all elections**. We commend you for passing legislation that allowed for a state write-in ballot for general elections. However, we request that you expand this to all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame for all elections**. Thus, a voter would know that they could exercise their right to vote for all Florida elections, not just one. We encourage you to include this in your next legislative package.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently in Florida, the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We

recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We**

recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Although Florida passed legislation allowing the electronic transmission of the blank ballot and receipt of the voted ballot by overseas U.S. citizens, we encourage you to expand the use of this alternative. We request that Florida allow election officials to electronically send the blank ballot and accept the voted ballot electronically from military voters **in the U.S.**, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate this alternative.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors via electronic transmission.

Georgia 2005 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Georgia's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Georgia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Georgia enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and the registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the**

submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Guam 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current Guam election law requires that the ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Guam's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Guam allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Guam Election Code

The Guam Election Code refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the Guam election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the Guam Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Special Write-In Absentee Ballot

We also recommend Guam provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from Guam in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state or territory does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration and ballot request, sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously**

with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.*

Hawaii 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Hawaii military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Hawaii allow persons recently separated from the Uniformed Services, the merchant marine, or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Although Hawaii Revised Statute Section 15-3 states "...any former registered voter of Hawaii may vote an absentee ballot in any presidential election occurring within twenty-four months after leaving Hawaii...", This statute does not cover members of the Uniformed Services, the merchant marine, or citizens employed overseas, and family members that have been away for over 24 months. Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. A special late registration procedure for these circumstances would solve this problem. **Twenty-six** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. While Hawaii offers electronic transmission of election materials, the fact remains that by **expanding the use of the FWAB to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Hawaii money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

State Special Write-In Absentee Ballot

We also recommend Hawaii provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Iowa 2005 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Iowa enacted legislation to provide for electronic transmission of the Federal Post Card Application request for registration and an absentee ballot. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. The following sample language would allow for these procedures.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We understand Iowa currently allows discharged military personnel to register late. **We encourage expanding this option to their family members and overseas citizens who may go through a transition period when they first leave the Uniformed Services or**

overseas employment and may reside in your state just prior to an election. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home after active duty or employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Idaho 2005 Legislative Initiatives and Sample Language

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under the *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Idaho's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country whom may have otherwise been unable to vote. This initiative has helped ensure

these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Idaho allows for the electronic transmission of the Federal Post Card Application (FPCA) for absentee ballot request. We recommend expanded use of this alternative to include electronic transmission of the FPCA request for registration as well as electronic transmission of the blank ballot to the voter and acceptance of the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Idaho **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Idaho provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the State in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the State. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the

ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than*

30 days before the election or by the registration deadline established by the state.

Illinois 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

Illinois currently allows members of the Armed Forces or merchant marine, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Illinois expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's 30-day residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Application for Ballot by Proxy to Overseas Citizens

Currently, Illinois allows spouses, and other family members, to use a special application provided by the local election official to request that an absentee ballot be mailed to members of the Uniformed Services. **We recommend this option be expanded to allow spouses and other family members of overseas civilian citizens to request an absentee ballot be mailed to them.**

Sample Language

If a spouse, dependent, mother, father, sister or brother of a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is registered to vote in the same county as that citizen, he or she may request that an absentee ballot be mailed to that voter by completing a special application provided by the local election official.

State Special Write-In Absentee Ballot

We also recommend Illinois provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by**

military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame. A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic

transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Illinois enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for ballot requests by members of the Armed Forces. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise them. **Thirteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk official

may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 10 of the Illinois Election Laws makes no reference to Federal law. In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which the Federal Voting Assistance Program administers. **Reference to the UOCAVA in the state election code** would help election officials and interested citizens find guidance to applicable federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Illinois money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified

elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Illinois' **State Board of Elections/Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The State Board of Elections/Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission or fax. As an example, in light of the

surge of Guard and Reserve forces being deployed, the State Board of Elections/Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The State Board of Elections/Chief Election Official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The State Board of Elections/Chief Election Official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the State Board of Elections/Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The State Board of Elections/Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Indiana 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Indiana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Indiana provides 45-day transit time for General and Primary elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the

FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never

resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Kansas 2005 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kansas' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Kansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with

American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and runoff elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or

she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Kentucky 2005 Legislative Initiatives and Sample Language

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 117 of the Kentucky Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kentucky's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Kentucky enacted legislation, which provides for the electronic transmission of the Federal Post Card Application (FPCA) for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic

transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that **Kentucky allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Kentucky provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised

FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with

American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law. In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Louisiana 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem, which continues to face Louisiana military and overseas voters, is the extremely short period of time these voters have to receive, vote, and return their absentee ballots **for non-Presidential elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states currently have a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Louisiana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Uniformed Services, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Louisiana allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Louisiana provide a state write-in absentee ballot for all elections, *not only the Presidential election.* The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Massachusetts 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Massachusetts military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. The fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Massachusetts provides 45-day transit time for Primary elections (35 days before election and 10 days extended counting after election). However, expanding this provision to **all elections** would help ensure enfranchisement. **Thirty-nine** states now allow 45-day ballot transit time for general elections.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

State Special Write-In Absentee Ballot

We also recommend Massachusetts provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame**. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. We realize Massachusetts provides a special write-in absentee ballot if the local election official does not have the regular state ballot available for mailing. However, expanding this provision by making this ballot available upon request by UOCAVA citizens and expanding its use for all elections would help ensure enfranchisement. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Massachusetts' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting

Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major

obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Massachusetts has enacted legislation allowing citizens to send the Federal Post Card Application (FPCA) via electronic transmission. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot via electronic transmission from these voters where circumstances would otherwise disenfranchise them. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for local, state and Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Massachusetts money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Maryland 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

Although the Maryland General Assembly deleted the late registration provision from Maryland law, we never-the-less encourage you to recommend that Maryland reinstate procedures **to allow persons recently separated from the Uniformed Services and their family members to be able to register late (or be exempt from registration)**. Previously, honorably discharged military personnel and their spouses and dependents could still vote absentee if a Federal Post Card Application arrived not later than 8 p.m. on election day. Additionally, we recommend that Maryland expand this procedure **to allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**.

Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states now allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

Although Maryland provides ample time for transit of ballots under normal circumstances, especially with late counting, we continue to recommend that Maryland provide a state write-in absentee ballot for all elections as a means to vote in case there are delays in mailing and returning absentee ballots. Again, the main purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she

will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official. Also a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Maryland has done an exceptional job passing legislation on behalf of *UOCAVA* voters regarding electronic transmission of election materials. However, we request your consideration again to make further changes in Maryland law/administrative procedures that would include the faxing of the voted ballot for all *UOCAVA* absentee voters and of the FPCA for registration purposes. We realize that Maryland allows faxing of the FPCA for an absentee ballot request and now the unvoted ballot and that Maryland law

prohibits electronic facsimile if the document requires a signed affidavit. However, we encourage expansion of this alternative to include electronic transmission of the FPCA for registration (since we instruct voters to submit the original, signed FPCA after faxing and the FPCA form is a simultaneous request for registration and request for absentee ballot) and acceptance of the voted ballot electronically from the voter (signature already on file) where circumstances would otherwise disenfranchise a citizen. The sample language below accommodates these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local board of elections may receive FPCAs for registration, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

We appreciate the action taken by the Maryland State Board of Elections to allow overseas voters to cast votes for state and local offices in primary and special Federal elections using the Federal Write-In Absentee Ballot (FWAB). Since this ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership, many overseas citizens have access to it and would not be disenfranchised because their regular ballots were not received in a timely manner.

In addition, however, for those citizens that desire to vote in elections for Federal office only, we request the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB**. This would further simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for elections for Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*. To address your concerns about lack of control over the process, the citizen must provide a valid Maryland residence address and sign the FPCA attesting that he/she is a U.S. citizen and is not voting in any other jurisdiction.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Maine 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that Maine **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Maine has enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) request for registration and ballot. We recommend expanded use of this alternative to include electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the

Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face Maine military and overseas voters is the short period of time these voters have to receive, vote, and return their absentee ballots for **non-Federal elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot

transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. However, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Maine's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including

electronic transmission. Fourteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Michigan 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current Michigan election law requires that the FPCA used to register and request absentee ballots or to request absentee ballots only, must be sworn to before an official authorized to administer oaths if the requesters are Michigan residents temporarily residing outside the U.S. and unaffiliated with the U.S. Federal Government, or overseas citizens. This notary requirement continues to be a problem for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. We heard this many times over in the 2004 Presidential election year. Some voters have paid \$90 to obtain notarial services to exercise their right to vote. In many countries, there are no notaries in their system of jurisprudence. We strongly recommend action this legislative year to **remove the notary requirement for all absentee balloting materials or not require notarization after initial registration notary is provided**. To this end, we support HB 6061, which is currently under consideration in your legislature. Please contact us to provide testimony for, or to write letters in support of, this legislation. **Michigan is one of only six states and territories that have a notary requirement for the Federal Post Card Application for citizens outside the U.S.**

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Michigan **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall

be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for **all elections**. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the blank ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Minnesota 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Minnesota military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as State Department personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Minnesota **allow persons recently separated from the Uniformed Services or overseas employment and their family members to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Notary Requirement

We realize notarization of the FPCA and the ballot return envelope is not necessary if a voter provides his/her military ID number or passport number. However, if a voter overlooks this requirement or if he or she is unable to obtain notarial services, he or she may be disenfranchised. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

State Write-In Absentee Ballot

We also recommend Minnesota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame**. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states beyond Federal law that have

expanded the use of the FWAB and the 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Minnesota has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Minnesota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Missouri 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current Missouri election law requires that the state ballot envelope must be witnessed by a notary public or other officer authorized by law to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid **\$90** to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Missouri Election Laws do not refer to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Missouri enacted legislation allowing citizens to send the FPCA via electronic transmission when requesting an absentee ballot. We encourage expanded use of this alternative to include electronic transmission of the FPCA for ballot request and registration, electronically sending the ballot to the voter, and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Ten other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission

envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a Uniformed Service member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Mississippi 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current Mississippi election law requires that the affidavit on the absentee ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Return of Voted Ballot by Close of Polls on Election Day

We notice Mississippi requires UOCAVA voters to return their voted ballot by 5:00 p.m. the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, the voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Mississippi accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 23, Section 23-15-677 of the Mississippi Election Laws refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Alaska 2005 Legislative Initiatives and Sample Language

Late Registration Procedure

We recommend that Alaska **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alaska money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he

or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alaska's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never

resided in a state, they would be eligible to vote in elections for Federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Alabama 2005 Legislative Initiatives and Sample Language

Late Registration Procedure

We recommend that Alabama **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative

has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Alabama's use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. **Thirteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. **Forty-nine** states allow electronic transmission of at least part of the absentee voting process. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Special Write-In Absentee Ballot

We also recommend Alabama provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame**. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally

only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alabama money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alabama's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling

absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Arkansas 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arkansas military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Arkansas allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Arkansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely

manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the State money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Arkansas enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and that registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballots.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 7-5-406 of the Arkansas Election Laws refers to the Overseas Citizens Voting Rights Act of 1975. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the *Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arkansas's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

American Samoa 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current American Samoa election law requires that the FPCA must be sworn to by a person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S. or the Territories

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a citizen outside the Territory who has never lived in the Territory has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that American Samoa's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that American Samoa **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend American Samoa provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from American Samoa in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in

advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. Presently, there are eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow the chief election officer more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that American Samoa allows the electronic transmission of the FPCA for registration and absentee ballot request. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The chief election officer may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information that is requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.

The adoption of this initiative would save the territory money and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the territory;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.*

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face American Samoa military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Arizona 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arizona military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Arizona **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arizona's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she

may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

California 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face California military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the

information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that

they have never resided in a state, they would be eligible to vote in elections for Federal office. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that California's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. Fifteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Colorado 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Colorado military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Colorado **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission of election materials has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Colorado has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Ten other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration**

simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Connecticut 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Connecticut military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize that Connecticut provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Connecticut enacted legislation to provide for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. However, voters using the FPCA to register are required to simultaneously mail the original, which must arrive by 5:00 p.m. on the day before the election for the ballot to be counted. The electronic transmission methodology is there to ensure the FPCA is received by the state's deadline. If the electronically transmitted FPCA for registration is not recognized until the mail version is received then the availability of electronic transmission is of no benefit to the voter. We realize the original FPCA should be mailed in all cases regardless, however we urge an extension to the acceptance deadline for the original FPCA when the voter has utilized the electronically transmitted option.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We realize that Connecticut law allows recently discharged members of the military returning to the state too late to register during the regular registration period to register to vote up until 5:00 p.m. on the last weekday before an election. We recommend that **Connecticut allow persons recently separated from overseas employment, and their family members, to be able to register late or be exempt from registration.** Many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet the normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem.

Sample Language

A person who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Connecticut extend the availability of the state write-in absentee ballot to non-Uniformed Services overseas electors. The purpose of the state write-in absentee ballot is to **provide a method for voting by persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Use of the Federal Write-In Absentee Ballot (FWAB)

The state of Connecticut is exempt from use of the Federal Write-In Absentee Ballot (FWAB) by Section 103 (f) in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These statements exempt states that make ballots available to military voters at least 90 days before the general election and as soon as the candidate list is available for other UOCAVA citizens.

The intent of the Federal Write-In Absentee Ballot (FWAB) is to aid the enfranchisement of U.S. citizens overseas wishing to vote for Federal Offices in general elections who make timely application for, but do not receive an absentee ballot.

The intent of the current Connecticut Special Write-In Absentee Ballot is to assist members of the military and their family members who are not able to follow the regular absentee ballot application procedure.

The Connecticut Special Write-In Absentee Ballot does not accommodate citizens who request a state absentee ballot in a timely manner and do not receive it in time to vote and return it to meet the state's ballot deadline. The FWABs, which are prepositioned at military installations and U.S. Embassies and Consulates worldwide fulfill this purpose for all overseas U.S. citizens except those whose legal residence is Connecticut.

We recommend that Connecticut allow overseas UOCAVA citizens who have requested a state absentee ballot in a timely manner and not received it in time to vote and return it to meet the state's ballot deadline be allowed to use the Federal Write-In Absentee Ballot.

Sample Language

The Federal Write-In Absentee Ballot (FWAB) will be accepted from uniformed services and overseas voters who make timely application for, and do not receive a regular absentee ballot. The following rules shall apply with respect to the FWAB:

(1) In completing the ballot, the overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of the political party (in which case the ballots shall be counted for the candidate of that political party).

(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of the political party shall be counted as a vote for the electors supporting the candidate involved.

(3) Any abbreviation, misspelling, or other minor variation in the spelling of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Connecticut's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

District of Columbia 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that the District of Columbia **allow persons recently separated from the Uniformed Services or overseas employment and their family members to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in the District of Columbia just prior to an election. This time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and registration requirements combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend that the District of Columbia provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal timeframe.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB

was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize the District of Columbia allows electronic transmission of the FPCA for registration and absentee ballot request and permits faxing of the absentee ballot when military service prevents the voter from receiving and returning the voted ballot. However, we encourage you to expand the use of this alternative to include electronic transmission of the blank and voted ballots for all military and overseas citizens, electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate these alternatives.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies

and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general elections and Federal offices if:

- (1) the information submitted complies with the District's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter resides outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the jurisdiction;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in the U.S., they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote.

Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Delaware 2005 Legislative Initiatives and Sample Language

Return of Voted Ballot by Close of Polls on Election Day

We notice Delaware requires UOCAVA voters to return their voted ballot by 12:00 noon on the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Delaware accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process. We realize Delaware has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for electronically sending the ballot to the voter and accepting the voted ballot from the voter.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that **Delaware allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Delaware's Chief Election**

Officials have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We

recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Florida 2005 Legislative Initiatives and Sample Language

State Write-In Absentee Ballot

We recommend that Florida provide a state write-in absentee ballot for **all elections**. We commend you for passing legislation that allowed for a state write-in ballot for general elections. However, we request that you expand this to all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame for all elections**. Thus, a voter would know that they could exercise their right to vote for all Florida elections, not just one. We encourage you to include this in your next legislative package.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently in Florida, the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We

recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We**

recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Although Florida passed legislation allowing the electronic transmission of the blank ballot and receipt of the voted ballot by overseas U.S. citizens, we encourage you to expand the use of this alternative. We request that Florida allow election officials to electronically send the blank ballot and accept the voted ballot electronically from military voters **in the U.S.**, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate this alternative.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors via electronic transmission.

Georgia 2005 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Georgia's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Georgia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Georgia enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and the registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the**

submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Guam 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current Guam election law requires that the ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Guam's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Guam allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Guam Election Code

The Guam Election Code refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the Guam election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the Guam Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Special Write-In Absentee Ballot

We also recommend Guam provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from Guam in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state or territory does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration and ballot request, sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously**

with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.*

Hawaii 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Hawaii military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Hawaii allow persons recently separated from the Uniformed Services, the merchant marine, or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Although Hawaii Revised Statute Section 15-3 states "...any former registered voter of Hawaii may vote an absentee ballot in any presidential election occurring within twenty-four months after leaving Hawaii...", This statute does not cover members of the Uniformed Services, the merchant marine, or citizens employed overseas, and family members that have been away for over 24 months. Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. A special late registration procedure for these circumstances would solve this problem. **Twenty-six** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. While Hawaii offers electronic transmission of election materials, the fact remains that by **expanding the use of the FWAB to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Hawaii money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

State Special Write-In Absentee Ballot

We also recommend Hawaii provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Iowa 2005 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Iowa enacted legislation to provide for electronic transmission of the Federal Post Card Application request for registration and an absentee ballot. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. The following sample language would allow for these procedures.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We understand Iowa currently allows discharged military personnel to register late. **We encourage expanding this option to their family members and overseas citizens who may go through a transition period when they first leave the Uniformed Services or**

overseas employment and may reside in your state just prior to an election. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home after active duty or employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Idaho 2005 Legislative Initiatives and Sample Language

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under the *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Idaho's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country whom may have otherwise been unable to vote. This initiative has helped ensure

these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Idaho allows for the electronic transmission of the Federal Post Card Application (FPCA) for absentee ballot request. We recommend expanded use of this alternative to include electronic transmission of the FPCA request for registration as well as electronic transmission of the blank ballot to the voter and acceptance of the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Idaho **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Idaho provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the State in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the State. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the

ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than*

30 days before the election or by the registration deadline established by the state.

Illinois 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

Illinois currently allows members of the Armed Forces or merchant marine, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Illinois expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's 30-day residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Application for Ballot by Proxy to Overseas Citizens

Currently, Illinois allows spouses, and other family members, to use a special application provided by the local election official to request that an absentee ballot be mailed to members of the Uniformed Services. **We recommend this option be expanded to allow spouses and other family members of overseas civilian citizens to request an absentee ballot be mailed to them.**

Sample Language

If a spouse, dependent, mother, father, sister or brother of a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is registered to vote in the same county as that citizen, he or she may request that an absentee ballot be mailed to that voter by completing a special application provided by the local election official.

State Special Write-In Absentee Ballot

We also recommend Illinois provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by**

military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame. A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently **nine** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic

transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Illinois enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for ballot requests by members of the Armed Forces. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise them. **Thirteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk official

may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 10 of the Illinois Election Laws makes no reference to Federal law. In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which the Federal Voting Assistance Program administers. **Reference to the UOCAVA in the state election code** would help election officials and interested citizens find guidance to applicable federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Illinois money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified

elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Illinois' **State Board of Elections/Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The State Board of Elections/Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission or fax. As an example, in light of the

surge of Guard and Reserve forces being deployed, the State Board of Elections/Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The State Board of Elections/Chief Election Official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The State Board of Elections/Chief Election Official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the State Board of Elections/Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The State Board of Elections/Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Indiana 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Indiana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Indiana provides 45-day transit time for General and Primary elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the

FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never

resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Kansas 2005 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kansas' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Kansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with

American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and runoff elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or

she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Kentucky 2005 Legislative Initiatives and Sample Language

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 117 of the Kentucky Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kentucky's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Kentucky enacted legislation, which provides for the electronic transmission of the Federal Post Card Application (FPCA) for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic

transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that **Kentucky allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Kentucky provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised

FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with

American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law. In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Louisiana 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem, which continues to face Louisiana military and overseas voters, is the extremely short period of time these voters have to receive, vote, and return their absentee ballots **for non-Presidential elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states currently have a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Louisiana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Uniformed Services, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Louisiana allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Louisiana provide a state write-in absentee ballot for all elections, *not only the Presidential election.* The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Massachusetts 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Massachusetts military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. The fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Massachusetts provides 45-day transit time for Primary elections (35 days before election and 10 days extended counting after election). However, expanding this provision to **all elections** would help ensure enfranchisement. **Thirty-nine** states now allow 45-day ballot transit time for general elections.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

State Special Write-In Absentee Ballot

We also recommend Massachusetts provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame**. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. We realize Massachusetts provides a special write-in absentee ballot if the local election official does not have the regular state ballot available for mailing. However, expanding this provision by making this ballot available upon request by UOCAVA citizens and expanding its use for all elections would help ensure enfranchisement. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Massachusetts' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting

Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major

obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Massachusetts has enacted legislation allowing citizens to send the Federal Post Card Application (FPCA) via electronic transmission. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot via electronic transmission from these voters where circumstances would otherwise disenfranchise them. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for local, state and Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Massachusetts money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Maryland 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

Although the Maryland General Assembly deleted the late registration provision from Maryland law, we never-the-less encourage you to recommend that Maryland reinstate procedures **to allow persons recently separated from the Uniformed Services and their family members to be able to register late (or be exempt from registration)**. Previously, honorably discharged military personnel and their spouses and dependents could still vote absentee if a Federal Post Card Application arrived not later than 8 p.m. on election day. Additionally, we recommend that Maryland expand this procedure **to allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**.

Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states now allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

Although Maryland provides ample time for transit of ballots under normal circumstances, especially with late counting, we continue to recommend that Maryland provide a state write-in absentee ballot for all elections as a means to vote in case there are delays in mailing and returning absentee ballots. Again, the main purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she

will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official. Also a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Maryland has done an exceptional job passing legislation on behalf of *UOCAVA* voters regarding electronic transmission of election materials. However, we request your consideration again to make further changes in Maryland law/administrative procedures that would include the faxing of the voted ballot for all *UOCAVA* absentee voters and of the FPCA for registration purposes. We realize that Maryland allows faxing of the FPCA for an absentee ballot request and now the unvoted ballot and that Maryland law

prohibits electronic facsimile if the document requires a signed affidavit. However, we encourage expansion of this alternative to include electronic transmission of the FPCA for registration (since we instruct voters to submit the original, signed FPCA after faxing and the FPCA form is a simultaneous request for registration and request for absentee ballot) and acceptance of the voted ballot electronically from the voter (signature already on file) where circumstances would otherwise disenfranchise a citizen. The sample language below accommodates these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local board of elections may receive FPCAs for registration, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

We appreciate the action taken by the Maryland State Board of Elections to allow overseas voters to cast votes for state and local offices in primary and special Federal elections using the Federal Write-In Absentee Ballot (FWAB). Since this ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership, many overseas citizens have access to it and would not be disenfranchised because their regular ballots were not received in a timely manner.

In addition, however, for those citizens that desire to vote in elections for Federal office only, we request the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB**. This would further simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for elections for Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*. To address your concerns about lack of control over the process, the citizen must provide a valid Maryland residence address and sign the FPCA attesting that he/she is a U.S. citizen and is not voting in any other jurisdiction.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Maine 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that Maine **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Maine has enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) request for registration and ballot. We recommend expanded use of this alternative to include electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the

Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face Maine military and overseas voters is the short period of time these voters have to receive, vote, and return their absentee ballots for **non-Federal elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot

transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. However, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Maine's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including

electronic transmission. Fourteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Michigan 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current Michigan election law requires that the FPCA used to register and request absentee ballots or to request absentee ballots only, must be sworn to before an official authorized to administer oaths if the requesters are Michigan residents temporarily residing outside the U.S. and unaffiliated with the U.S. Federal Government, or overseas citizens. This notary requirement continues to be a problem for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. We heard this many times over in the 2004 Presidential election year. Some voters have paid \$90 to obtain notarial services to exercise their right to vote. In many countries, there are no notaries in their system of jurisprudence. We strongly recommend action this legislative year to **remove the notary requirement for all absentee balloting materials or not require notarization after initial registration notary is provided**. To this end, we support HB 6061, which is currently under consideration in your legislature. Please contact us to provide testimony for, or to write letters in support of, this legislation. **Michigan is one of only six states and territories that have a notary requirement for the Federal Post Card Application for citizens outside the U.S.**

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Michigan **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall

be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for **all elections**. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the blank ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Minnesota 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Minnesota military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as State Department personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Minnesota **allow persons recently separated from the Uniformed Services or overseas employment and their family members to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Notary Requirement

We realize notarization of the FPCA and the ballot return envelope is not necessary if a voter provides his/her military ID number or passport number. However, if a voter overlooks this requirement or if he or she is unable to obtain notarial services, he or she may be disenfranchised. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

State Write-In Absentee Ballot

We also recommend Minnesota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame**. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states beyond Federal law that have

expanded the use of the FWAB and the 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Minnesota has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Minnesota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Missouri 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current Missouri election law requires that the state ballot envelope must be witnessed by a notary public or other officer authorized by law to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid **\$90** to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Missouri Election Laws do not refer to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Missouri enacted legislation allowing citizens to send the FPCA via electronic transmission when requesting an absentee ballot. We encourage expanded use of this alternative to include electronic transmission of the FPCA for ballot request and registration, electronically sending the ballot to the voter, and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Ten other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission

envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a Uniformed Service member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Mississippi 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current Mississippi election law requires that the affidavit on the absentee ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Return of Voted Ballot by Close of Polls on Election Day

We notice Mississippi requires UOCAVA voters to return their voted ballot by 5:00 p.m. the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, the voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Mississippi accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 23, Section 23-15-677 of the Mississippi Election Laws refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that **Mississippi allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the

territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Mississippi provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Montana 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Montana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

State Special Write-in Absentee Ballot

We also recommend that Montana provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows voting for Federal offices only. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Bring Montana Election Code into Conformance with the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In our recent update to the Voting Assistance Guide it came to our attention that there is a discrepancy in the definition of eligible citizens between the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* and the Montana Election Code. Section 13-2-211 of the Montana code defines an “elector in the United States service” as members of the armed forces, merchant marine, religious groups or welfare agencies attached to the armed forces, or citizens temporarily residing outside the U.S. territorial limits, and their spouses and dependents. UOCAVA does not cover members of religious groups or welfare agencies attached to the armed forces unless they are serving overseas. In addition to the other categories of citizens listed in the Montana code, UOCAVA also includes “uniformed services” – the Coast Guard and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration. (See 42 U.S.C. 1973ff-1 and ff-6.)

We recommend that Montana review the language in the *Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA, 42 U.S.C. 1973ff et seq.)* and make appropriate amendments to the state election law provisions to include the Uniformed Services groups referenced above.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent.

We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Montana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

North Carolina 2005 Legislative Initiatives and Sample Language

One Federal Post Card Application for All Elections.

The *National Defense Authorization Act of Fiscal Year 2002* states that, “If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed service voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(a)(4)) and the voter requests that the application be considered an application for an absentee ballot for each subsequent election For Federal office held in the State during that year, the State shall provide an absentee ballot to the voter for each subsequent election for Federal office held in the State during that year.” This section was amended by the *Help America Vote Act of 2002* to extend the period covered by the single absentee ballot application through the next two regularly scheduled general elections for Federal office. We strongly recommend legislation be enacted to include North Carolina residents who registered locally prior to January 1, 2004 (when this provision of *HAVA* was enacted) and then go overseas to be able to use one FPCA for all elections through the next two regularly scheduled general elections for Federal office. These citizens currently must send in a FPCA or written request before each election.

State Write-In Absentee Ballot

We recommend that North Carolina provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of Uniformed Services members and overseas citizens who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Please consider expanding the use of modern technology to overseas citizens. We realize that North Carolina allows the submission of the Federal Post Card Application for registration and absentee ballot request by overseas citizens. However, this should be extended to allow the faxing of the blank and voted ballot to these citizens from your state as you have done for Uniformed Services members. Thus, we strongly encourage expanded use of this alternative to include the transmission of the blank ballot by fax to **all UOCAVA** voters and the acceptance of the voted ballot from **all UOCAVA** citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration**

simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Late Registration Procedures

We realize that North Carolina currently **allows persons recently separated from the**

Armed Forces to register and vote in person up to and including election day. We recommend expanding this option to Uniformed Services family members and to citizens returning from overseas employment. Many of these citizens go through a transition period and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

North Dakota 2005 Legislative Initiatives and Sample Language

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 16 of the North Dakota Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **North Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal

Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Nebraska 2005 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Nebraska enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests. We recommend expanded use of this alternative to include electronic transmission of the unvoted ballot to the voters covered by UOCAVA, and accepting the voted ballot from these voters via electronic transmission. **Thirteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Nebraska's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states have

Nebraska 2005 Legislative Initiatives and Sample Language

passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

New Hampshire 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New Hampshire military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, electronically sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Hampshire's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

New Jersey 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We realize that **New Jersey allows persons recently separated from the Uniformed Services and their family members as well as civilians attached to or serving with the Uniformed Services to register late and obtain an emergency voting form.** We recommend this option be expanded to civilian citizens returning to New Jersey after overseas employment. Many of these citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that New Jersey enacted legislation to provide for the electronic transmission of the FPCA for ballot request, the electronic receipt of the blank ballot by the voter, and accepting an overseas ballot by electronic means. We encourage expanded use of this alternative to accept electronic transmission of the FPCA for registration purposes and to include electronically accepting the voted ballot from the Uniformed Services voter who is out of the state, but not necessarily overseas, on election day where these circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, or a family member, and is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend New Jersey provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing

use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Jersey's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

New Mexico 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that New Mexico **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend New Mexico provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee

ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB

transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Nevada 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

Nevada currently allows members of the Armed Forces, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Nevada expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the termination date of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home from employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised due to time and location constraints, by allowing them to cast a ballot when they would not otherwise have been able to vote.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process to include electronic transmission of the FPCA for registration by all citizens voting under the Uniformed and Overseas Citizens Absentee Voting Act, electronically sending the ballot to these citizens and accepting the voted ballot from these citizens where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Nevada provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Nevada's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special

procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

New York 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New York military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. This is why it is necessary to allow a minimum of 45 days transit time for absentee ballots.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **New York allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that New York provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of the *Federal Voting Assistance Act of 1955* and the *Overseas Citizens Voting Rights Act of 1975* into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the New York election**

code will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the New York Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints. Currently, forty-nine states allow electronic transmission of election materials.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We enlist your support once again this year in developing the **acceptance of electronic transmission for all parts of the process**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider using modern technology in the absentee voting process. We encourage the use of this alternative to include the **electronic transmission of the FPCA for registration and ballot request, the blank ballot to the voter, and the voted ballot from the voter** where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A county board of elections official may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates,

military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the*

state;

- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that New York's **Chief Election Official (CEO) have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The CEO and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Ohio 2005 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Ohio's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

We realize that Ohio enacted legislation to provide for electronic transmission of the FPCA for ballot request and electronic transmission of the blank ballot to voters in the Uniformed Services. We encourage expanded use of this alternative to all UOCAVA citizens to include electronic transmission of the Federal Post Card Application for registration, electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Sample Language

An applicant who is a member of the United States Uniformed Services, the merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expansion of Late Registration Procedures

We realize that Ohio allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may not know in which state they will live. Others may move to a new state and not meet the state's residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services by separation from the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Waiver of Registration for Citizens Covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

While we realize that registration is waived in Ohio for members of the U.S. Armed Forces and their family members, we encourage expansion of this provision to include all groups covered in the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* definitions. The following is an extract from the UOCAVA, 42 USC 1973ff-6. Section 107. Definitions:

“(1) "absent uniformed services voter" means --

- (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;
- (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and
- (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote “

and

“(7) “uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration”.

The sample language below will accommodate this provision.

Sample Language

If you are a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act, your registration is waived and you may request an absentee ballot by submitting an FPCA so it is received by the county board of elections not later than 3 days before the election.

State Write-In Absentee Ballot

We also recommend Ohio provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and

FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Oklahoma 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oklahoma military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to the timely delivery of absentee ballots for those who request them. For Oklahoma, our *2004-2005 Voting Assistance Guide* states that local election officials mail out ballots approximately 30 days before an election. While we commend you for expanding the time between the state run-off election and the General Election, Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** other states have increased their ballot transit times to greater than 30 days.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although we realize that Oklahoma enacted legislation to provide for the electronic transmission of the FPCA ballot request, and for the electronic transmission of the blank ballot and acceptance of the voted ballot under certain limited circumstances, we encourage expanded use of this alternative to include the use of electronic transmission of the blank ballot and acceptance of the voted ballot on a regular basis, as an alternative method, not merely during certain limited circumstances.

Sample Language

An elections official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Oregon 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oregon military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Oregon provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expansion of Late Registration Procedures

We realize that Oregon allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services or the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Oregon has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request and electronic transmission of the blank ballot. We encourage expanded use of this alternative to include acceptance of the voted ballot from the voter by electronic transmission where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send a blank ballot to a voter and accept voted ballots via electronic transmission from eligible electors.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and

help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Oregon's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official

and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Pennsylvania 2005 Legislative Initiatives and Sample Language

Return of Voted Ballot by Close of Polls on Election Day

Pennsylvania continues to require voters covered under the *Uniformed and Overseas Absentee Voting Act (UOCAVA)* to return their voted ballot by 5:00 p.m. on the Friday before the election. This deadline is earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. For this reason we recommend that Pennsylvania accept voted ballots from all *UOCAVA* citizens until the close of polls on election day. Only **four** other states require the return of the voted ballot before election day.

Late Registration Procedures

We recommend that **Pennsylvania allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We request your support in developing the **acceptance of electronic transmission of absentee ballots in Pennsylvania.** With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to

voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize that Pennsylvania allows the submission of the Federal Post Card Application for registration and absentee ballot request. However, Pennsylvania now only allows the electronic transmission of the blank ballot if a person is in a designated hostile fire, imminent danger pay, combat zone or qualified hazardous duty area. Further, there is no faxing of the voted ballot in your state. We strongly encourage expanded use of this alternative to include the transmission of the blank ballot by fax to all *UOCAVA* voters and the acceptance of the voted ballot (to include a waiver of privacy) from all *UOCAVA* citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special and primary elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, and primary elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:
If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that **Pennsylvania's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Puerto Rico 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current Puerto Rico election law requires that the FPCA and the ballot return envelope must be sworn to by a person authorized to administer oaths. Depending on the category of *UOCAVA* voter, the oath must be administered by a commissioned officer, the highest officer on board ship, an official in the school registrar's office, a notary public, or a consular officer. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notary services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We strongly recommend **removal of the notary requirement for all absentee balloting materials. Forty-nine** states and territories have eliminated the notary requirement on all election materials.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that **Puerto Rico allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in Puerto Rico just prior to an election and this time frame does not meet Puerto Rico's normal residency requirements. Often, the date of discharge or termination of overseas employment and a commonwealth's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states and territories currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular commonwealth deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Special Write-In Absentee Ballot

We also recommend that Puerto Rico provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from Puerto Rico in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular absentee ballot from Puerto Rico does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, commonwealth, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. Puerto Rico will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership.

By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the commonwealth for general election and Federal offices if:

- (1) the information submitted complied with the commonwealth's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate commonwealth election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save the commonwealth money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, commonwealth and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector,

he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the commonwealth of Puerto Rico;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate Puerto Rico election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Commonwealth Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the commonwealth's election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. **Thirty-seven** states and territories now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit

time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although Puerto Rico currently allows electronic transmission of the FPCA, including fax and email, we encourage the use of this alternative to include the electronic transmission of the FPCA for electronically sending the blank ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise them. **Thirteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The Commonwealth Elections Commission may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the Commonwealth of Puerto Rico has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Puerto Rico's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics

transmission of voting materials for Active Duty Military. **Fifteen** states and territories have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this commonwealth, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the Commonwealth.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Rhode Island 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

Despite the alternative of mailing the official state blank ballot 45 days before an election if the official ballot is not yet available, Rhode Island military and overseas voters continue to have an extremely short period of time to receive, vote, and return their absentee ballots in order to be counted (21 days) in the regular absentee ballot delivery process. While electronic transmission of election materials offers an alternative to speed ballot transit time, inadequate ballot transit time through the mail remains the primary obstacle to timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Coverage and Notary Requirement

Under Section 17-20-6.1, Rhode Island provides that the Federal Post Card Application (FPCA) may be used as a request for an absentee ballot by the following groups under *UOCAVA* (42 U.S.C. § 1973ff):

- (1) A member of the armed forces who is absent from the state by reason of being in active service;
- (2) Any person absent from the state in performance of "services intimately connected with military operations" as defined in § 17-20-3(d); and
- (3) Any person who is employed outside of the United States as defined in § 17-20-3(c)

In contrast, *UOCAVA* includes Uniformed Services and overseas citizens defined in Section 107 as follows:

- (1) "absent uniformed services voter" means --:

- (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;
 - (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and:
 - (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote;
- (5) "overseas voter" means --:
- (A) an absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;
 - (B) a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or:
 - (C) a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

Rhode Island law excludes *UOCAVA* citizens who mark 8.d. on the FPCA from the procedures of 17-20-6.1, which waives registration, and subjects them to additional procedures in Section 17-21.1-3 by requiring them to submit the Mail Ballot Application and affidavit prior to mailing the absentee ballot. This introduces additional steps and mailing time into the process and the requirement to obtain notarial services to exercise their right to vote. In many countries, voters have paid up to \$90 for these services and other countries do not have notaries in their system of jurisprudence.

Thus, we request that Rhode Island include those overseas citizens currently covered by these separate procedures in Section 17-21.1-3 under Section 17-20-6.1 to allow these citizens to use the FPCA to request an absentee ballot in the same way as the rest of the *UOCAVA* citizens. As an alternative, Rhode Island could include the Mail Ballot Application along with the ballot to register the applicant and have the citizen attest to a self-administered oath on the form, eliminating the requirement for a notary.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Rhode Island's **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually

establish expeditious methods for handling absentee ballots including electronic transmission.

We note that in 2003 Governor Carcieri signed into law legislation naming the Secretary of State (SoS) the Chief State Election Official in Rhode Island and that your Legislative Implementation Report for 2004 indicates that the SoS intends to introduce legislation to provide the necessary emergency authority for the SoS as the chief election official. If we can help in this effort, please let us know.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

South Carolina 2005 Legislative Initiatives and Sample Language

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to use of modern technology in the absentee voting process. We realize South Carolina has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request and for the electronic transmission of the blank ballot and acceptance of the voted ballot in emergency situations only. We encourage expanded use of this alternative to include the use of electronic transmission of the blank ballot and acceptance of the voted ballot on a regular basis, as an alternative method, not merely during emergencies.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to

apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

South Dakota 2005 Legislative Initiatives and Sample Language

Notary Requirements

South Dakota requires the ballot return envelope for military in the United States (U.S.) and overseas citizens to be notarized by a notary public or other person authorized to administer an oath. This requirement creates a burden for military members who may be assigned to a small military installation that may not have an officer available at all time, as well as, individuals living overseas where such services are difficult and expensive, if not impossible to obtain. We realize in lieu of a notarized signature individuals may provide a photo copy of a valid ID such as a South Dakota Drivers License or nondriver ID card; a passport or other picture ID issued by the U.S. government; a tribal photo ID or a photo ID issued by a South Dakota postsecondary education institution. However, we recommend removal of the notary requirement for all absentee balloting materials for military in the U.S. and overseas citizens. Forty-nine states have eliminated the notary requirement on all election materials to date.

Late Registration Procedures

We recommend that South Dakota **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim legal residence of a parent. **We recommend these**

citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **South Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration and ballot request, electronically sending the ballot to the voter and accepting the voted ballot from the voter, where circumstances would otherwise disenfranchise a citizen. Below is suggested language allowing for electronic transmission to be used in these three steps of the absentee voting process.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend South Dakota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Tennessee 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that Tennessee **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Tennessee enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronic transmission of the FPCA for registration, electronically sending the blank ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample language allowing for these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Use of FWAB as state special write-in by all UOCAVA citizens:

A citizen voting under the UOCAVA who, due to military or other contingencies that preclude normal mail delivery who will be unable to vote by regular absentee ballot, may use a Federal Write-In Absentee Ballot to vote in Federal elections for Federal office for the candidate of his or her choice.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Tennessee's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

Section 2-6-112 of the Tennessee Election Law refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Texas 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

Even though Texas has enacted a 30-day registration deadline as a safeguard to prevent fraud, we still encourage Texas to **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late, e.g., up to the day of the election, or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election (within 30 days of the election). This time frame does not meet your state's current registration requirements. Further, the date of discharge or termination of overseas employment and the Texas registration requirement may combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently have such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We realize that Texas provides a state special write-in absentee ballot to Uniformed Services members if they are unable to cast a ballot on election day or during the early voting period because of a military contingency. We recommend expansion of this state write-in absentee ballot to **provide a method for voting by other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient

time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Thus, we request your support **to develop acceptance in Texas for the electronic transmission of the blank and voted ballots to all UOCAVA voters**. With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of this modern technology in the absentee voting process. We realize that Texas provides for the electronic transmission of the FPCA for registration and early voting ballots. Additionally, in 1997, Texas enacted legislation to allow the electronic transmission of the voted ballot by members of the U.S. Armed Forces on active duty overseas, or their family members, if the Armed Forces members are casting the ballot from an area where the members are eligible to receive hostile fire pay or imminent danger pay, or that has been designated by the President of the United States as a combat zone. However, we continue to encourage expanded use of this alternative to include electronically sending the blank ballot to all Texas UOCAVA voters who request it and accepting the voted ballot where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

We recognize that Texas recently passed a law that expanded the use of the Federal Write-In Absentee Ballot (FWAB) to any special, primary or runoff election for Federal offices. In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve ballot transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote.

Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that instead of the Texas Governor, Texas' **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Federal Voting Assistance Program is in closer contact with the Chief Election Official and could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Utah 2005 Legislative Initiatives and Sample Language

Notary Requirement

Currently Utah requires the ballot return envelope to be certified by a noncommissioned or commissioned officer if it is not possible to obtain a military postmark on or before election day. This requirement creates a burden for military members who may be assigned to a small military installation that may not have an officer available at all time. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Utah's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard

and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Currently, acceptance of electronic transmission of election materials varies from county to county in Utah. Consideration should be given to more uniform use of modern technology in the absentee voting process. We encourage statewide adoption of procedures to allow for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot request, electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We realize Utah provides a Special Military Write-In Absentee Ballot if the citizen will be unable to vote by regular ballot. We recommend expanding use of this ballot to **provide a method for voting to other persons overseas who, due to special**

circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and

unable to receive regular absentee ballots sent in the normal time frame. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states have implemented state write-in absentee ballots for this purpose.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB and the 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in the general election. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner.

Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. On an *ad hoc* basis, during past primaries, several states and jurisdictions allowed the FWAB to be used for offices

other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Virginia 2005 Legislative Initiatives and Sample Language

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Thirteen** states have already passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We realize Virginia allows electronic transmission of the FPCA for absentee ballot request. We also note that Virginia has conducted several successful pilot projects with the transmission of blank ballots by electronic mail. We continue to support your innovative electronic voting projects; however, we also continue to encourage expanded use of electronic transmission to include sending the blank ballot to the voter and accepting the voted ballot from the voter by facimile where circumstances would otherwise disenfranchise a citizen. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An election official may send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, Virginia law allows the Federal Write-In Absentee Ballot (FWAB) to be used in all elections and from inside or outside the United States. However, we continue to recommend that the FWAB transmission envelope be accepted as **a request for registration simultaneously with the submission of the completed FWAB**. We realize that legislation has been passed providing that the FWAB can be used to serve as **an application** for an absentee ballot and the absentee ballot itself for Federal offices provided the Registrar received it not less than five days prior to the election. Consideration should be given to simplify the registration and request for absentee ballot request process and improve ballot transit time through the combined use of the FWAB for registration and absentee ballot simultaneously. It should be noted that the information requested on the FWAB transmission envelope, is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). This does not change the data required from your state for these citizens. The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is outside the U.S. or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state .*

Virgin Islands 2005 Legislative Initiatives and Sample Language

Late Registration Procedure

The Virgin Islands currently allows members of the Armed Forces and merchant marine, discharged within 60 days of an election and who return to the Virgin Islands too late to register, to vote in the upcoming election. We recommend that the Virgin Islands expand the scope of this procedure and **allow Uniformed Services personnel (Coast Guard, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration), civilians recently separated from overseas employment, and the spouses and dependents of all these groups to be eligible for the same procedure.** These citizens also go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. Expanding the scope of your existing procedure would solve this problem. **Fifteen** states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Special Write-in Absentee Ballot

We also recommend the Virgin Islands provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet

the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal and local offices. The FWAB generally allows voting for Federal offices only. There are presently **eleven** states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general election and Federal offices if:

- (1) the information submitted complies with the registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Virgin Islands money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with Virgin Islands registration requirements;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal

residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Vermont 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Vermont military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states have provisions for the 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Vermont's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Removal of Notary Requirement

Current Vermont election law requires that the FPCA used to register must be notarized. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid **\$90** to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, many small military installations may have no commissioned officer assigned.

Alternatively, we recommend unregistered applicants be instructed to read the Freeman's Oath prior to signing the FPCA. Item 8e of the 1995 FPCA contains language where the applicant swears/affirms under penalty of perjury that he or she is "a U.S. citizen, eligible to vote in the above jurisdiction and subscribe to any required state/local oath or statement." This would eliminate the need to attach the oath to the FPCA. For the reasons stated above, we recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Vermont currently allows for electronic transmission of the FPCA for registration and ballot request and electronically sending the blank ballot to the voter. We encourage enacting legislation for acceptance of the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample legislation that will provide for this alternative.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Vermont **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the

Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

State Write-In Absentee Ballot

We also recommend Vermont provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from the State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now have state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. Thirty-seven states have modified state election code to reference UOCAVA.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Washington 2005 Legislative Initiatives and Sample Language

The Need for 45-day Ballot Transit Time

The most persistent problem which continues to face Washington military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices**. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedure

We recommend that **Washington allow persons recently separated from the Uniformed Services, the merchant marine or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration**. Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting Washington's 15-day late registration deadline. We recommend that UOCAVA citizens be permitted to register up to the day of the next ensuing election when these circumstances arise. **Twenty-six** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the state Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Washington money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Washington's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

*The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving *United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.**

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Wisconsin 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Wisconsin military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Although Wisconsin local election officials mail absentee ballots 30 days before the general and 21 days before the primary elections, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Notary Requirement

Current Wisconsin election law requires that, for military voters, the certificate-affidavit on the ballot return envelope must be sworn to by a person authorized to administer oaths or witnessed by two adult U.S. citizens. Additionally, for overseas citizens who are required to register, the FPCA must be witnessed by any person authorized to administer oaths or one adult U.S. citizen. We recommend **removal of the notary and witness requirements for all absentee balloting materials**. Forty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Wisconsin **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Wisconsin enacted legislation to provide for the electronic transmission of the FPCA for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wisconsin's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

West Virginia 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that **West Virginia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **West Virginia's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, electronically sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend West Virginia provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

For those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information that is requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the territory money and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the territory;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Wyoming 2005 Legislative Initiatives and Sample Language

State Write-In Absentee Ballot

We recommend that Wyoming provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. The FWAB allows voting for Federal offices only. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure near real-time delivery of election materials between the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time substantially.

We note that Wyoming permits absentee ballot requests to be made by telephone and email. We encourage the further use of electronic transmission to include electronically sending the Federal Post Card Application (FPCA) for registration and absentee ballot request, sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the merchant marine, or their family members, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wyoming's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Alaska 2005 Legislative Initiatives and Sample Language

Late Registration Procedure

We recommend that Alaska allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration. Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Reference to UOCAVA in the state election code will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. Thirty-seven states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded the use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alaska money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state,

whichever is later.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alaska's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. Fifteen states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never

resided in a state, they would be eligible to vote in elections for Federal office. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Alabama 2005 Legislative Initiatives and Sample Language

Late Registration Procedure

We recommend that Alabama allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration. Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Alabama's use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. Thirteen states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. Forty-nine states allow electronic transmission of at least part of the absentee voting process. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Special Write-In Absentee Ballot

We also recommend Alabama provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a "full"

slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the

acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alabama money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a

request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alabama's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Fifteen states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate

absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Arkansas 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arkansas military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Arkansas allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's

registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Arkansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and

meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than

Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the State money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the

Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Arkansas enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and that registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballots.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 7-5-406 of the Arkansas Election Laws refers to the Overseas Citizens Voting Rights Act of 1975. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens

Absentee Voting Act (UOCAVA). Reference to UOCAVA in the state election code will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Arkansas's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

American Samoa 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current American Samoa election law requires that the FPCA must be sworn to by a person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend removal of the notary requirement for all absentee balloting materials. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S. or the Territories

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a citizen outside the Territory who has never lived in the Territory has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a

qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that American Samoa's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that American Samoa allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas

citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend American Samoa provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from American Samoa in the normal time frame. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local

election official.

It is also important to note that a special write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. Presently, there are eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow the

chief election officer more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that American Samoa allows the electronic transmission of the FPCA for registration and absentee ballot request. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The chief election officer may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information that is requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.

The adoption of this initiative would save the territory money and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission

envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the territory;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face American Samoa military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Arizona 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arizona military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Arizona allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's

registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Arizona's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of

the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

California 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face California military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular

ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special,

primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that California's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. Fifteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Colorado 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Colorado military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Colorado allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may

reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission of election materials has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative

flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Colorado has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Ten other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States

Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Connecticut 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Connecticut military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize that Connecticut provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Connecticut enacted legislation to provide for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. However, voters using the FPCA to register are required to simultaneously mail the original, which must arrive by 5:00 p.m. on the day before the election for the ballot to be counted. The electronic transmission methodology is there to ensure the FPCA is received by the state's deadline. If the electronically transmitted FPCA for registration is not recognized until the mail version is received then the availability of electronic transmission is of no benefit to the voter. We realize the original FPCA should be mailed in all cases regardless, however we urge an extension to the acceptance deadline for the original FPCA when the voter has utilized the electronically transmitted option.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We realize that Connecticut law allows recently discharged members of the military returning to the state too late to register during the regular registration period to register to vote up until 5:00 p.m. on the last weekday before an election. We recommend that Connecticut allow persons recently separated from

overseas employment, and their family members, to be able to register late or be exempt from registration. Many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet the normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem.

Sample Language

A person who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Connecticut extend the availability of the state write-in absentee ballot to non-Uniformed Services overseas electors. The purpose of the state write-in absentee ballot is to provide a method for voting by persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that

preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Use of the Federal Write-In Absentee Ballot (FWAB)

The state of Connecticut is exempt from use of the Federal Write-In Absentee Ballot (FWAB) by Section 103 (f) in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These statements exempt states that make ballots available to military voters at least 90 days before the general election and as soon as the candidate list is available for other UOCAVA citizens.

The intent of the Federal Write-In Absentee Ballot (FWAB) is to aid the enfranchisement of U.S. citizens overseas wishing to vote for Federal Offices in general elections who make timely application for, but do not receive an absentee ballot.

The intent of the current Connecticut Special Write-In Absentee Ballot is to assist members of the military and their family members who are not able to follow the regular absentee ballot application procedure.

The Connecticut Special Write-In Absentee Ballot does not accommodate citizens who request a state absentee ballot in a timely manner and do not receive it in time to vote and return it to meet the state's ballot deadline. The FWABs, which are prepositioned at military installations and U.S. Embassies and Consulates worldwide fulfill this purpose for all overseas U.S. citizens except those whose legal residence is Connecticut.

We recommend that Connecticut allow overseas UOCAVA citizens who have requested a state absentee ballot in a timely manner and not received it in time to vote and return it to meet the state's ballot deadline be allowed to use the Federal Write-In Absentee Ballot.

Sample Language

The Federal Write-In Absentee Ballot (FWAB) will be accepted from uniformed services and overseas voters who make timely application for, and do not receive a regular absentee ballot. The following rules shall apply with respect to the FWAB:

(1) In completing the ballot, the overseas voter may designate a candidate by writing in the name

of the candidate or by writing in the name of the political party (in which case the ballots shall be counted for the candidate of that political party).

(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of the political party shall be counted as a vote for the electors supporting the candidate involved.

(3) Any abbreviation, misspelling, or other minor variation in the spelling of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Connecticut's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have provided this authority to their Chief Election

Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

District of Columbia 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that the District of Columbia allow persons recently separated from the Uniformed Services or overseas employment and their family members to be able to register late or be exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in the District of Columbia just prior to an election. This time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and registration requirements combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend that the District of Columbia provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal timeframe. A voter could request a special write-in absentee ballot 90

days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize the District of Columbia allows electronic transmission of the FPCA for registration and absentee ballot request and permits faxing of the absentee ballot when military service prevents the voter from receiving and returning the voted ballot. However, we encourage you to expand the use of this alternative to include electronic transmission of the blank and voted ballots for all military and overseas citizens, electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate these alternatives.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic

transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general elections and Federal offices if:

- (1) the information submitted complies with the District's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30

days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter resides outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the jurisdiction;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in the U.S., they would be eligible to vote in elections for Federal

office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Delaware 2005 Legislative Initiatives and Sample Language

Return of Voted Ballot by Close of Polls on Election Day

We notice Delaware requires UOCAVA voters to return their voted ballot by 12:00 noon on the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Delaware accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process. We realize Delaware has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA) for registration and

absentee ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for electronically sending the ballot to the voter and accepting the voted ballot from the voter.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Delaware allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the

regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Delaware's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting

Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the

information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Florida 2005 Legislative Initiatives and Sample Language

State Write-In Absentee Ballot

We recommend that Florida provide a state write-in absentee ballot for all elections. We commend you for passing legislation that allowed for a state write-in ballot for general elections. However, we request that you expand this to all elections. The purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame for all elections. Thus, a voter would know that they could exercise their right to vote for all Florida elections, not just one. We encourage you to include this in your next legislative package.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently in Florida, the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for

a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she

may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Although Florida passed legislation allowing the electronic transmission of the blank ballot and receipt of the voted ballot by overseas U.S. citizens, we encourage you to expand the use of this alternative. We request that Florida allow election officials to electronically send the blank ballot and accept the voted ballot electronically from military voters in the U.S., on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate this alternative.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors via electronic transmission.

Georgia 2005 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Georgia's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Georgia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Georgia enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and the registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

(1) the information submitted complies with the state's registration requirements;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Guam 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current Guam election law requires that the ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend removal of the notary requirement for all absentee balloting materials. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Guam's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Guam allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these

persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Guam Election Code

The Guam Election Code refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Reference to UOCAVA in the Guam election code will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the Guam Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Special Write-In Absentee Ballot

We also recommend Guam provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas,

will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from Guam in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state or territory does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration and ballot request, sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for

Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.

Hawaii 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Hawaii military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Hawaii allow persons recently separated from the Uniformed Services, the merchant marine, or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration. Although Hawaii Revised Statute Section 15-3 states "...any former registered voter of Hawaii may vote an absentee ballot in any presidential election occurring within

twenty-four months after leaving Hawaii...". This statute does not cover members of the Uniformed Services, the merchant marine, or citizens employed overseas, and family members that have been away for over 24 months. Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. A special late registration procedure for these circumstances would solve this problem. Twenty-six states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. While Hawaii offers electronic transmission of election materials, the fact remains that by expanding the use of the FWAB to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded the use

of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Hawaii money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States

Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

State Special Write-In Absentee Ballot

We also recommend Hawaii provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame. A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the

state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a "full" slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Iowa 2005 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Iowa enacted legislation to provide for electronic transmission of the Federal Post Card Application request for registration and an absentee ballot. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. The following sample language would allow for these procedures.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic

transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We understand Iowa currently allows discharged military personnel to register late. We encourage expanding this option to their family members and overseas citizens who may go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home after active duty or employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Idaho 2005 Legislative Initiatives and Sample Language

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under the UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Idaho's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such

special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country whom may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Idaho allows for the electronic transmission of the Federal Post Card Application (FPCA) for absentee ballot request. We recommend expanded use of this alternative to include electronic transmission of the FPCA request for registration as well as electronic transmission of the blank ballot to the voter and acceptance of the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply

for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Idaho allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Idaho provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a state write-in

absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the State in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the State. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Illinois 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

Illinois currently allows members of the Armed Forces or merchant marine, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Illinois expand this procedure and allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election. Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's 30-day residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Application for Ballot by Proxy to Overseas Citizens

Currently, Illinois allows spouses, and other family members, to use a special application provided by the local election official to request that an absentee ballot be mailed to members of the Uniformed Services. We recommend this option be expanded to allow spouses and other family members of overseas civilian citizens to request an absentee ballot be mailed to them.

Sample Language

If a spouse, dependent, mother, father, sister or brother of a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is registered to vote in the same county as that citizen, he or she may request that an absentee ballot be mailed to that voter by completing a special application provided by the local election official.

State Special Write-In Absentee Ballot

We also recommend Illinois provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame. A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a "full" slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major

obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Illinois enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for ballot requests by members of the Armed Forces. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise them. Thirteen states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 10 of the Illinois Election Laws makes no reference to Federal law. In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which the Federal Voting Assistance Program administers. Reference to the UOCAVA in the state election code would help election officials and interested citizens find guidance to applicable federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the

state election code. Thirty-seven states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend

the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Illinois money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for federal office. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Illinois' State Board of Elections/Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The State Board of Elections/Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission or fax. As an example, in light of the surge of Guard and Reserve forces being deployed, the State Board of Elections/Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. Fifteen states have passed legislation giving the Chief Election

Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The State Board of Elections/Chief Election Official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The State Board of Elections/Chief Election Official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the State Board of Elections/Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The State Board of Elections/Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Indiana 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Indiana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Indiana provides 45-day transit time for General and Primary elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership.

By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Kansas 2005 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Kansas' Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Kansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other

hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration

simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and runoff elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Kentucky 2005 Legislative Initiatives and Sample Language

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 117 of the Kentucky Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Reference to UOCAVA in the state election code will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a

parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Kentucky's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Kentucky enacted legislation, which provides for the electronic transmission of the Federal Post Card Application (FPCA) for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic

transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Kentucky allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may

reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Kentucky provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military

installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with

American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular

ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law. In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or

she may use the Federal Write-In Absentee Ballot in general, special, primary, and runoff elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States

Uniformed Services, merchant marine, or a family member, and a qualified elector, he or

she may use the Federal Write-In Absentee Ballot (FWAB)

transmission envelope as a

request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Louisiana 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem, which continues to face Louisiana military and overseas voters, is the extremely short period of time these voters have to receive, vote, and return their absentee ballots for non-Presidential elections. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states currently have a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Louisiana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election

Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Uniformed Services, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Louisiana allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such

discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Louisiana provide a state write-in absentee ballot for all elections, not only the Presidential election. The purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas

organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received,

voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Massachusetts 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Massachusetts military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. The fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Massachusetts provides 45-day transit time for Primary elections (35 days before election and 10 days extended counting after election). However, expanding this provision to all elections would help ensure enfranchisement. Thirty-nine states now allow 45-day ballot transit time for general elections.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

State Special Write-In Absentee Ballot

We also recommend Massachusetts provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or

special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. We realize Massachusetts provides a special write-in absentee ballot if the local election official does not have the regular state ballot available for mailing. However, expanding this provision by making this ballot available upon request by UOCAVA citizens and expanding its use for all elections would help ensure enfranchisement. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices only. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Massachusetts' Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. Fifteen states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be

necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Reference to UOCAVA in the state election code will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. Thirty-seven states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for

this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Massachusetts has enacted legislation allowing citizens to send the Federal Post Card Application (FPCA) via electronic transmission. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot via electronic transmission from these voters where circumstances would otherwise disenfranchise them. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for local, state and Federal offices, citizens would not be disenfranchised

because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Massachusetts money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Maryland 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

Although the Maryland General Assembly deleted the late registration provision from Maryland law, we never-the-less encourage you to recommend that Maryland reinstate procedures to allow persons recently separated from the Uniformed Services and their family members to be able to register late (or be exempt from registration). Previously, honorably discharged military personnel and their spouses and dependents could still vote absentee if a Federal Post Card Application arrived not later than 8 p.m. on election day. Additionally, we recommend that Maryland expand this procedure to allow persons recently separated from overseas employment and their family members to register late or be exempt from registration.

Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states now allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

Although Maryland provides ample time for transit of ballots under normal circumstances, especially with late counting, we continue to recommend that Maryland provide a state write-in absentee ballot for all elections as a means to vote in case there are delays in mailing and returning absentee ballots. Again, the main purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots. This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official. Also a state write-in ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state

write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Maryland has done an exceptional job passing legislation on behalf of UOCAVA voters regarding electronic transmission of election materials. However, we request your consideration again to make further changes in Maryland law/administrative procedures that would include the faxing of the voted ballot for all UOCAVA absentee voters and of the FPCA for registration purposes. We realize that Maryland allows faxing of the FPCA for an absentee ballot request and now the unvoted ballot and that Maryland law prohibits electronic facsimile if the document requires a signed affidavit. However, we encourage expansion of this alternative to include electronic transmission of the FPCA

for registration (since we instruct voters to submit the original, signed FPCA after faxing and the FPCA form is a simultaneous request for registration and request for absentee ballot) and acceptance of the voted ballot electronically from the voter (signature already on file) where circumstances would otherwise disenfranchise a citizen. The sample language below accommodates these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local board of elections may receive FPCAs for registration, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

We appreciate the action taken by the Maryland State Board of Elections to allow overseas voters to cast votes for state and local offices in primary and special Federal elections using the Federal Write-In Absentee Ballot (FWAB). Since this ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership, many overseas citizens have access to it and would not be disenfranchised because their regular ballots were not received in a timely manner.

In addition, however, for those citizens that desire to vote in elections for Federal office only, we request the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB. This would further simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be

accepted simultaneously as a registration form and ballot by the state for elections for Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are

not entitled to vote. These are usually citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA. To address your concerns about lack of control over the process, the citizen must provide a valid Maryland residence address and sign the FPCA attesting that he/she is a U.S. citizen and is not voting in any other jurisdiction.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Maine 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that Maine allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for

all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Maine has enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) request for registration and ballot. We recommend expanded use of this alternative to include electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent

is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face Maine military and overseas voters is the short period of time these voters have to receive, vote, and return their absentee ballots for non-Federal elections. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. However, our post-election surveys and Postal

Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Reference to UOCAVA in the state election code will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot

transmission is created, it is recommended that Maine's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Michigan 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current Michigan election law requires that the FPCA used to register and request absentee ballots or to request absentee ballots only, must be sworn to before an official authorized to administer oaths if the requesters are Michigan residents temporarily residing outside the U.S. and unaffiliated with the U.S. Federal Government, or overseas citizens. This notary requirement continues to be a problem for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. We heard this many times over in the 2004 Presidential election year. Some voters have paid \$90 to obtain notarial services to exercise their right to vote. In many countries, there are no notaries in their system of jurisprudence. We strongly recommend action this legislative year to remove the notary requirement for all absentee balloting materials or not require notarization after initial registration notary is provided. To this end, we support HB 6061, which is currently under consideration in your legislature. Please contact us to provide testimony for, or to write letters in support of, this legislation. Michigan is one of only six states and territories that have a notary requirement for the Federal Post Card Application for citizens outside the U.S.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Michigan allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many members of the Uniformed Services and overseas

citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations,

overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to

and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the blank ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have expanded its use

beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she

may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Minnesota 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Minnesota military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as State Department personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that Minnesota allow persons recently separated from the Uniformed Services or overseas employment and their family members to register late or be exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine

to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Notary Requirement

We realize notarization of the FPCA and the ballot return envelope is not necessary if a voter provides his/her military ID number or passport number. However, if a voter overlooks this requirement or if he or she is unable to obtain notarial services, he or she may be disenfranchised. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend removal of the notary requirement for all absentee balloting materials. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

State Write-In Absentee Ballot

We also recommend Minnesota provide a state write-in absentee ballot for all elections. The

purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states beyond Federal law that have expanded the use of the FWAB and the 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other

contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Minnesota has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot

applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Minnesota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components

of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Missouri 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current Missouri election law requires that the state ballot envelope must be witnessed by a notary public or other officer authorized by law to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend removal of the notary requirement for all absentee balloting materials. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Missouri Election Laws do not refer to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Reference to UOCAVA in the state election code will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are

designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Missouri enacted legislation allowing citizens to send the FPCA via electronic transmission when requesting an absentee ballot. We encourage expanded use of this alternative to include electronic transmission of the FPCA for ballot request and registration, electronically sending the ballot to the voter, and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise

qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Ten other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

(3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a Uniformed Service member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S.

income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Mississippi 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current Mississippi election law requires that the affidavit on the absentee ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend removal of the notary requirement for all absentee balloting materials. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Return of Voted Ballot by Close of Polls on Election Day

We notice Mississippi requires UOCAVA voters to return their voted ballot by 5:00 p.m. the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, the voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Mississippi accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 23, Section 23-15-677 of the Mississippi Election Laws refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Reference to UOCAVA in the state election code will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that Mississippi allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Mississippi provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from

the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies

and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and runoff elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Montana 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Montana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

State Special Write-in Absentee Ballot

We also recommend that Montana provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and

unable to receive the regular ballot in the normal time frame. A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal and local offices. The FWAB generally allows voting for Federal offices only. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Bring Montana Election Code into Conformance with the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In our recent update to the Voting Assistance Guide it came to our attention that there is a discrepancy in the definition of eligible citizens between the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and the Montana Election Code. Section 13-2-211 of the Montana code defines an "elector in the United States service" as members of the armed forces, merchant marine, religious groups or welfare agencies attached to the armed forces, or citizens temporarily residing outside the U.S. territorial limits, and their spouses and dependents. UOCAVA does not cover members of religious groups or welfare agencies attached to the armed forces unless they are serving overseas. In addition to the other categories of citizens listed in the Montana code, UOCAVA also includes "uniformed services" - the Coast Guard and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration. (See 42 U.S.C. 1973ff-1 and ff-6.)

We recommend that Montana review the language in the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA, 42 U.S.C. 1973ff et seq.) and make appropriate amendments to the state election law provisions to include the Uniformed Services groups referenced above.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Montana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Fifteen states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

North Carolina 2005 Legislative Initiatives and Sample Language

One Federal Post Card Application for All Elections.

The National Defense Authorization Act of Fiscal Year 2002 states that, "If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed service voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(a)(4)) and the voter requests that the application be considered an application for an absentee ballot for each subsequent election For Federal office held in the State during that year, the State shall provide an absentee ballot to the voter for each subsequent election for Federal office held in the State during that year." This section was amended by the Help America Vote Act of 2002 to extend the period covered by the single absentee ballot application through the next two regularly scheduled general elections for Federal office. We strongly recommend legislation be enacted to include North Carolina residents who registered locally prior to January 1, 2004 (when this provision of HAVA was enacted) and then go overseas to be able to use one FPCA for all elections through the next two regularly scheduled general elections for Federal office. These citizens currently must send in a FPCA or written request before each election.

State Write-In Absentee Ballot

We recommend that North Carolina provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to

be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of Uniformed Services members and overseas citizens who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Please consider expanding the use of modern technology to overseas citizens. We realize that North Carolina allows the submission of the Federal Post Card Application for registration and absentee ballot request by overseas citizens. However, this should be extended to allow the faxing of the blank and voted ballot to these citizens from your state as you have done for Uniformed Services members. Thus, we strongly encourage expanded use of this alternative to include the transmission of the blank ballot by fax to all UOCAVA voters and the acceptance of the voted ballot from all UOCAVA citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for

registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Late Registration Procedures

We realize that North Carolina currently allows persons recently separated from the Armed Forces to register and vote in person up to and including election day. We recommend expanding this option to Uniformed Services family members and to citizens returning from overseas employment. Many of these citizens go through a transition period and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never

resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

North Dakota 2005 Legislative Initiatives and Sample Language

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 16 of the North Dakota Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Reference to UOCAVA in the state election code will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her

parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that North Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these

elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States

Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she

may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for

registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30

days before the election or by the registration deadline established by the state.

Nebraska 2005 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Nebraska enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests. We recommend expanded use of this alternative to include electronic transmission of the unvoted ballot to the voters covered by UOCAVA, and accepting the voted ballot from these voters via electronic transmission. Thirteen states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise

qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Nebraska's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Fifteen states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

New Hampshire 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New Hampshire military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Reference to UOCAVA in the state election code will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, electronically sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a

registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that New Hampshire's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and

Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

New Jersey 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We realize that New Jersey allows persons recently separated from the Uniformed Services and their family members as well as civilians attached to or serving with the Uniformed Services to register late and obtain an emergency voting form. We recommend this option be expanded to civilian citizens returning to New Jersey after overseas employment. Many of these citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and

local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that New Jersey enacted legislation to provide for the electronic transmission of the FPCA for ballot request, the electronic receipt of the blank ballot by the voter, and accepting an overseas ballot by electronic means. We encourage expanded use of this alternative to accept electronic transmission of the FPCA for registration purposes and to include electronically accepting the voted ballot from the Uniformed Services voter who is out of the state, but not necessarily overseas, on election day where these circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, or a family member, and is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend New Jersey provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences.

The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates,

military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that New Jersey's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

New Mexico 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that New Mexico allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend New Mexico provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eight states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

(1) the information submitted complies with the state's registration requirements;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Nevada 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

Nevada currently allows members of the Armed Forces, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Nevada expand this procedure and allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election. Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the termination date of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home from employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised due to time and location constraints, by allowing them to cast a ballot when they would not otherwise have been able to vote.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of

election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process to include electronic transmission of the FPCA for registration by all citizens voting under the Uniformed and Overseas Citizens Absentee Voting Act, electronically sending the ballot to these citizens and accepting the voted ballot from these citizens where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who

is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Nevada provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States

Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

(1) the information submitted complied with the state's registration requirements;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

(3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot

transmission is created, it is recommended that Nevada's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

New York 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New York military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. This is why it is necessary to allow a minimum of 45 days transit time for absentee ballots.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that New York allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not

meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that New York provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the

regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently nine states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Reference to UOCAVA in the New York election code will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the New York Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints. Currently, forty-nine states allow electronic transmission of election materials.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We enlist your support once again this year in developing the acceptance of electronic transmission for all parts of the process. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider using modern technology in the absentee voting process. We encourage the use of this alternative to include the electronic transmission of the FPCA for registration and ballot request, the blank ballot to the voter, and the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A county board of elections official may receive absentee ballot

applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than

30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that New York's Chief Election Official (CEO) have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The CEO and the Federal Voting

Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Ohio 2005 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Ohio's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

We realize that Ohio enacted legislation to provide for electronic transmission of the FPCA for ballot request and electronic transmission of the blank ballot to voters in the Uniformed Services.

We encourage expanded use of this alternative to all UOCAVA citizens to include electronic transmission of the Federal Post Card Application for registration, electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Sample Language

An applicant who is a member of the United States Uniformed Services, the merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expansion of Late Registration Procedures

We realize that Ohio allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to allow persons recently separated from overseas employment and their family members to register late or be exempt from registration. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may not know in which state they will live. Others may move to a new state and not meet the state's residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment aboard. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services by separation from the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Waiver of Registration for Citizens Covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

While we realize that registration is waived in Ohio for members of the U.S. Armed Forces and their family members, we encourage expansion of this provision to include all groups covered in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) definitions. The following is an extract from the UOCAVA, 42 USC 1973ff-6. Section 107. Definitions:

"(1) "absent uniformed services voter" means --

(A) a member of a uniformed service on active duty who, by reason of such active

duty, is absent from the place of residence where the member is otherwise qualified to vote;

(B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and

(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote "

and

"(7) "uniformed services" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration".

The sample language below will accommodate this provision.

Sample Language

If you are a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act, your registration is waived and you may request an absentee ballot by submitting an FPCA so it is received by the county board of elections not later than 3 days before the election.

State Write-In Absentee Ballot

We also recommend Ohio provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter

knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens

would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed

Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Oklahoma 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oklahoma military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to the timely delivery of absentee ballots for those who request them. For Oklahoma, our 2004-2005 Voting Assistance Guide states that local election officials mail out ballots approximately 30 days before an election. While we commend you for expanding the time between the state run-off election and the General Election, Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one other states have increased their ballot transit times to greater than 30 days.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for

facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although we realize that Oklahoma enacted legislation to provide for the electronic transmission of the FPCA ballot request, and for the electronic transmission of the blank ballot and acceptance of the voted ballot under certain limited circumstances, we encourage expanded use of this alternative to include the use of electronic transmission of the blank ballot and acceptance of the voted ballot on a regular basis, as an alternative method, not merely during certain limited circumstances.

Sample Language

An elections official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Oregon 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oregon military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Oregon provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expansion of Late Registration Procedures

We realize that Oregon allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to allow persons recently separated from overseas employment and their family members to register late or be

exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services or the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election

materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Oregon has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request and electronic transmission of the blank ballot. We encourage expanded use of this alternative to include acceptance of the voted ballot from the voter by electronic transmission where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send a blank ballot to a voter and accept voted ballots via electronic transmission from eligible electors.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law. In addition, for those citizens that desire to vote in Federal elections only, the acceptance of

the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Oregon's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Pennsylvania 2005 Legislative Initiatives and Sample Language

Return of Voted Ballot by Close of Polls on Election Day

Pennsylvania continues to require voters covered under the Uniformed and Overseas Absentee Voting Act (UOCAVA) to return their voted ballot by 5:00 p.m. on the Friday before the election. This deadline is earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. For this reason we recommend that Pennsylvania accept voted ballots from all UOCAVA citizens until the close of polls on election day. Only four other states require the return of the voted ballot before election day.

Late Registration Procedures

We recommend that Pennsylvania allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such

discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We request your support in developing the acceptance of electronic transmission of absentee ballots in Pennsylvania. With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize that Pennsylvania allows the submission of the Federal Post Card Application for registration and absentee ballot request. However, Pennsylvania now only allows the electronic transmission of the blank ballot if a person in a designated hostile fire, imminent danger pay, combat zone or qualified hazardous duty area. Further, there is no faxing of the voted ballot in your state. We strongly encourage expanded use of this alternative to include the transmission of the blank ballot by fax to all UOCAVA voters and the acceptance of the voted ballot (to include a waiver of privacy) from all UOCAVA citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a

family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special and primary elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

(1) the information submitted complies with the state's registration requirements;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, and primary elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S.

income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that Pennsylvania's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Puerto Rico 2005 Legislative Initiatives and Sample Language

Notary Requirement

Current Puerto Rico election law requires that the FPCA and the ballot return envelope must be sworn to by a person authorized to administer oaths. Depending on the category of UOCAVA voter, the oath must be administered by a commissioned officer, the highest officer on board ship, an official in the school registrar's office, a notary public, or a consular officer. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notary services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We strongly recommend removal of the notary requirement for all absentee balloting materials. Forty-nine states and territories have eliminated the notary requirement on all election materials.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Puerto Rico allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in Puerto Rico just prior to an election and this time frame does not meet Puerto Rico's normal residency requirements. Often, the date of discharge or termination of overseas employment and a commonwealth's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after

employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states and territories currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular commonwealth deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Special Write-In Absentee Ballot

We also recommend that Puerto Rico provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from Puerto Rico in the normal time frame. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular absentee ballot from Puerto Rico does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, commonwealth, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. Puerto Rico will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the commonwealth for general election and Federal offices if:

- (1) the information submitted complied with the commonwealth's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate commonwealth election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save the commonwealth money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, commonwealth and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he

or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the commonwealth of Puerto Rico;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate Puerto Rico election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Commonwealth Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Reference to UOCAVA in the commonwealth's election code will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. Thirty-seven states and territories now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative

method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although Puerto Rico currently allows electronic transmission of the FPCA, including fax and email, we encourage the use of this alternative to include the electronic transmission of the FPCA for electronically sending the blank ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise them. Thirteen states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The Commonwealth Elections Commission may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not

entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the Commonwealth of Puerto Rico has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Puerto Rico's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Fifteen states and territories have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this commonwealth, the Chief Election Official may prescribe, by

emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the Commonwealth.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Rhode Island 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

Despite the alternative of mailing the official state blank ballot 45 days before an election if the official ballot is not yet available, Rhode Island military and overseas voters continue to have an extremely short period of time to receive, vote, and return their absentee ballots in order to be counted (21 days) in the regular absentee ballot delivery process. While electronic transmission of election materials offers an alternative to speed ballot transit time, inadequate ballot transit time through the mail remains the primary obstacle to timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Coverage and Notary Requirement

Under Section 17-20-6.1, Rhode Island provides that the Federal Post Card Application (FPCA) may be used as a request for an absentee ballot by the following groups under UOCAVA (42 U.S.C. § 1973ff):

(1) A member of the armed forces who is absent from the state by reason of being in active service;

(2) Any person absent from the state in performance of "services intimately connected with military operations" as defined in § 17-20-3(d); and

(3) Any person who is employed outside of the United States as defined in § 17-20-3(c)

In contrast, UOCAVA includes Uniformed Services and overseas citizens defined in Section 107 as follows:

(1) "absent uniformed services voter" means --:

(A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

(B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and:

(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote;

(5) "overseas voter" means --:

(A) an absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;

(B) a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or:

(C) a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

Rhode Island law excludes UOCAVA citizens who mark 8.d. on the FPCA from the procedures of 17-20-6.1, which waives registration, and subjects them to additional procedures in Section 17-21.1-3 by requiring them to submit the Mail Ballot Application and affidavit prior to mailing the absentee ballot. This introduces additional steps and mailing time into the process and the requirement to obtain notarial services to exercise their right to vote. In many countries, voters have paid up to \$90 for these services and other countries do not have notaries in their system of jurisprudence.

Thus, we request that Rhode Island include those overseas citizens currently covered by these separate procedures in Section 17-21.1-3 under Section 17-20-6.1 to allow these citizens to use the FPCA to request an absentee ballot in the same way as the rest of the UOCAVA citizens. As an alternative, Rhode Island could include the Mail Ballot Application along with the ballot to register the applicant and have the citizen attest to a self-administered oath on the form, eliminating the requirement for a notary.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Rhode Island's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

We note that in 2003 Governor Carcieri signed into law legislation naming the Secretary of State (SoS) the Chief State Election Official in Rhode Island and that your Legislative

Implementation Report for 2004 indicates that the SoS intends to introduce legislation to provide the necessary emergency authority for the SoS as the chief election official. If we can help in this effort, please let us know.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

South Carolina 2005 Legislative Initiatives and Sample Language

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to use of modern technology in the absentee voting process. We realize South Carolina has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request and for the electronic transmission of the blank ballot and acceptance of the voted ballot in emergency situations only. We encourage expanded use of this alternative to include the use of electronic transmission of the blank ballot and acceptance of the voted ballot on a regular basis, as an alternative method, not merely during emergencies.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal offices only, the

acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

South Dakota 2005 Legislative Initiatives and Sample Language

Notary Requirements

South Dakota requires the ballot return envelope for military in the United States (U.S.) and overseas citizens to be notarized by a notary public or other person authorized to administer an oath. This requirement creates a burden for military members who may be assigned to a small military installation that may not have an officer available at all time, as well as, individuals living overseas where such services are difficult and expensive, if not impossible to obtain. We realize in lieu of a notarized signature individuals may provide a photo copy of a valid ID such as a South Dakota Drivers License or nondriver ID card; a passport or other picture ID issued by the U.S. government; a tribal photo ID or a photo ID issued by a South Dakota postsecondary education institution. However, we recommend removal of the notary requirement for all absentee balloting materials for military in the U.S. and overseas citizens. Forty-nine states have eliminated the notary requirement on all election materials to date.

Late Registration Procedures

We recommend that South Dakota allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of

the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that South Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed

Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration and ballot request, electronically sending the ballot to the voter and accepting the voted ballot from the voter, where circumstances would otherwise disenfranchise a citizen. Below is suggested language allowing for electronic transmission to be used in these three steps of the absentee voting process.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend South Dakota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB

generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help

ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Tennessee 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that Tennessee allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for

this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Tennessee enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronic transmission of the FPCA for registration, electronically sending the blank ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample language allowing for these alternatives.
Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular

ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and runoff elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Use of FWAB as state special write-in by all UOCAVA citizens:

A citizen voting under the UOCAVA who, due to military or other contingencies that preclude normal mail delivery who will be unable to vote by regular absentee ballot, may use a Federal Write-In Absentee Ballot to vote in Federal elections for Federal office for the candidate of his or her choice.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Tennessee's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief

Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

Section 2-6-112 of the Tennessee Election Law refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Reference to UOCAVA in the state election code will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens

Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Texas 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

Even though Texas has enacted a 30-day registration deadline as a safeguard to prevent fraud, we still encourage Texas to allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late, e.g., up to the day of the election, or be exempt from registration. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election (within 30 days of the election). This time frame does not meet your state's current registration requirements. Further, the date of discharge or termination of overseas employment and the Texas registration requirement may combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently have such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We realize that Texas provides a state special write-in absentee ballot to Uniformed Services members if they are unable to cast a ballot on election day or during the early voting period because of a military contingency. We recommend expansion of this state write-in absentee ballot to provide a method for voting by other persons overseas

who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that

due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Thus, we request your support to develop acceptance in Texas for the electronic transmission of the blank and voted ballots to all UOCAVA voters. With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of this modern technology in the absentee voting process. We realize that Texas provides for the electronic transmission of the FPCA for registration and early voting ballots. Additionally, in 1997, Texas enacted legislation to allow the electronic transmission of the voted ballot by members of the U.S. Armed Forces on active duty overseas, or their family members, if the Armed Forces members are casting the ballot from an area where the members are eligible to receive hostile fire pay or imminent danger pay, or that has been designated by the President of the United States as a combat zone. However, we continue to encourage expanded use of this alternative to include electronically sending the blank ballot to all Texas UOCAVA voters

who request it and accepting the voted ballot where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

We recognize that Texas recently passed a law that expanded the use of the Federal Write-In Absentee Ballot (FWAB) to any special, primary or runoff election for Federal offices. In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve ballot transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that instead of the Texas Governor, Texas' Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Federal Voting Assistance Program is in closer contact with the Chief Election Official and could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Utah 2005 Legislative Initiatives and Sample Language

Notary Requirement

Currently Utah requires the ballot return envelope to be certified by a noncommissioned or commissioned officer if it is not possible to obtain a military postmark on or before election day. This requirement creates a burden for military members who may be assigned to a small military installation that may not have an officer available at all time. We recommend removal of the notary requirement for all absentee balloting materials. Forty-nine states have eliminated the notary requirement on all election materials to date.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Utah's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the

Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Currently, acceptance of electronic transmission of election materials varies from county

to county in Utah. Consideration should be given to more uniform use of modern technology in the absentee voting process. We encourage statewide adoption of procedures to allow for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot request, electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We realize Utah provides a Special Military Write-In Absentee Ballot if the citizen will be unable to vote by regular ballot. We recommend expanding use of this ballot to provide a method for voting to other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states have implemented state write-in absentee ballots for this purpose.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military

installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB and the 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in the general election. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections, citizens would not be disenfranchised because regular ballots are not received in a timely manner.

Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. On an ad hoc basis, during past primaries, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States

Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Virginia 2005 Legislative Initiatives and Sample Language

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have already passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

. Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We realize Virginia allows electronic transmission of the FPCA for absentee ballot request. We also note that Virginia has conducted several successful pilot projects with the transmission of blank ballots by electronic mail. We continue to support your innovative electronic voting projects; however, we also continue to encourage expanded use of electronic transmission to include sending the blank ballot to the voter and accepting the voted ballot from the voter by facimile where circumstances would otherwise disenfranchise a citizen. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An election official may send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently, Virginia law allows the Federal Write-In Absentee Ballot (FWAB) to be used in all elections and from inside or outside the United States. However, we continue to recommend that the FWAB transmission envelope be accepted as a request for registration simultaneously with the submission of the completed FWAB. We realize that legislation has been passed providing that the FWAB can be used to serve as an application for an absentee ballot and the absentee ballot itself for Federal offices provided the Registrar received it not less than five days prior to the election. Consideration should be given to simplify the registration and request for absentee ballot request process and improve ballot transit time through the combined use of the FWAB for registration and absentee ballot simultaneously. It should be noted that the information requested on the FWAB transmission envelope, is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). This does not change the data required from your state for these citizens. The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is outside the U.S. or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Virgin Islands 2005 Legislative Initiatives and Sample Language

Late Registration Procedure

The Virgin Islands currently allows members of the Armed Forces and merchant marine, discharged within 60 days of an election and who return to the Virgin Islands too late to register, to vote in the upcoming election. We recommend that the Virgin Islands expand the scope of this procedure and allow Uniformed Services personnel (Coast Guard, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration), civilians recently separated from overseas employment, and the spouses and dependents of all these groups to be eligible for the same procedure. These citizens also go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. Expanding the scope of your existing procedure would solve this problem. Fifteen states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Special Write-in Absentee Ballot

We also recommend the Virgin Islands provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended

periods of time and unable to receive the regular ballot in the normal time frame. A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal and local offices. The FWAB generally allows voting for Federal offices only. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general election and Federal offices if:

- (1) the information submitted complies with the registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Virgin Islands money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with Virgin Islands registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Thirteen states have passed legislation allowing these citizens to claim the legal

residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Vermont 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Vermont military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states have provisions for the 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Vermont's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots

including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Removal of Notary Requirement

Current Vermont election law requires that the FPCA used to register must be notarized. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, many small military installations may have no commissioned officer assigned.

Alternatively, we recommend unregistered applicants be instructed to read the Freeman's Oath prior to signing the FPCA. Item 8e of the 1995 FPCA contains language where the applicant swears/affirms under penalty of perjury that he or she is "a U.S. citizen, eligible to vote in the above jurisdiction and subscribe to any required state/local oath or statement." This would eliminate the need to attach the oath to the FPCA. For the reasons stated above, we recommend removal of the notary requirement for all absentee balloting materials. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Vermont currently allows for electronic transmission of the FPCA for registration and ballot request and electronically sending the blank ballot to the voter. We encourage enacting legislation for acceptance of the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample legislation that will provide for this alternative.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a

family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Vermont allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Thirteen states have passed

legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

(1) the information submitted complied with the state's registration requirements;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

State Write-In Absentee Ballot

We also recommend Vermont provide a state write-in absentee ballot for all elections. The

purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from the State in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now have state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter

must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Reference to UOCAVA in the state election code will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. Thirty-seven states have modified state election code to reference UOCAVA.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Washington 2005 Legislative Initiatives and Sample Language

The Need for 45-day Ballot Transit Time

The most persistent problem which continues to face Washington military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedure

We recommend that Washington allow persons recently separated from the Uniformed Services, the merchant marine or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration. Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas

employment. The timing of their discharge or employment termination may prevent them from meeting Washington's 15-day late registration deadline. We recommend that UOCAVA citizens be permitted to register up to the day of the next ensuing election when these circumstances arise. Twenty-six states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)
in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Reference to UOCAVA in the state election code will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. Thirty-seven states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the state Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would simplify the process, improve transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Washington money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office.

Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Washington's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. Fifteen states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Wisconsin 2005 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Wisconsin military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Although Wisconsin local election officials mail absentee ballots 30 days before the general and 21 days before the primary elections, our post-election surveys and Postal Service statistics indicate that a 45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Notary Requirement

Current Wisconsin election law requires that, for military voters, the certificate-affidavit on the ballot return envelope must be sworn to by a person authorized to administer oaths or witnessed by two adult U.S. citizens. Additionally, for overseas citizens who are required to register, the FPCA must be witnessed by any person authorized to administer oaths or one

adult U.S. citizen. We recommend removal of the notary and witness requirements for all absentee balloting materials. Forty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Wisconsin allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Wisconsin enacted legislation to provide for the electronic transmission of the FPCA for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Wisconsin's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this

authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

West Virginia 2005 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that West Virginia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that West Virginia's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance

with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, electronically sending the blank ballot to the voter and accepting the voted ballot from the voter where

circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend West Virginia provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election

official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently eleven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

For those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information that is requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the territory money and alleviate administrative responsibilities on the part of the chief election officer.
Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the territory;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Wyoming 2005 Legislative Initiatives and Sample Language

State Write-In Absentee Ballot

We recommend that Wyoming provide a state write-in absentee ballot for all elections.

The purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. The FWAB allows voting for Federal offices only. There are presently seven states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure near real-time delivery of election materials between the voter and local election officials. Your support in developing the acceptance of electronic transmission for all aspects of the process, with proper controls, would cut the ballot transit time substantially.

We note that Wyoming permits absentee ballot requests to be made by telephone and email. We encourage the further use of electronic transmission to include electronically sending the Federal Post Card Application (FPCA) for registration and absentee ballot request, sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the merchant

marine, or their family members, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By expanding its use to include special, primary and runoff elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a request for registration simultaneously with the submission of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Thirteen states have passed legislation allowing these citizens to claim the legal residence of a parent. We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Wyoming's Chief Election Official have the authority to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be

necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

January 3, 2006

The Honorable Betty Ireland
Secretary of State
1900 Kanawha Boulevard East
Building 1, Suite 157K
Charleston, WV 25305

Dear Secretary Ireland:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing West Virginia's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the West Virginia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for West Virginia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in West Virginia's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

Mr. Dwayne Yoshina
Chief Elections Officer
Office of Elections
802 Lehua Avenue
Pearl City, HI 96782

Dear Mr. Yoshina:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Hawaii's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Hawaii legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Hawaii's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Hawaii's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Allan Ray Ater
Secretary of State
Office of the Secretary of State
P.O. Box 94125
Baton Rouge, LA 70804-9125

Dear Secretary Ater:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Louisiana's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Louisiana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Louisiana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Louisiana's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Matthew Dunlap
Secretary of State
Office of the Secretary of State
Nash Building, Station #148
Augusta, ME 04333-0148

Dear Secretary Dunlap:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Maine's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the Maine legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Maine's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Maine's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

Ms. Linda H. Lamone
Administrator
State Administrative Board of Election Laws
P.O. Box 6486
Annapolis, MD 21401-0486

Dear Ms. Lamone:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Maryland's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Maryland legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Maryland's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Maryland's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable William F. Galvin
Secretary of the Commonwealth
State House, Room 337
Boston, MA 02133

Dear Secretary Galvin:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Massachusetts's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Massachusetts legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Massachusetts's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Massachusetts's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Terri Lynn Land
Secretary of State
Treasury Building, 1st Floor
430 W. Allegan Street
Lansing, MI 48918-9900

Dear Secretary Land:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Michigan's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives that the Michigan legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Michigan's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Michigan's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Mary Kiffmeyer
Secretary of State
180 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1299

Dear Secretary Kiffmeyer:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Minnesota's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the Minnesota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Minnesota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Minnesota's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Eric Clark
Secretary of State
P.O. Box 136
401 Mississippi Street
Jackson, MS 39205-0136

Dear Secretary Clark:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Mississippi's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives that the Mississippi legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Mississippi's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Mississippi's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Robin Carnahan
Secretary of State
208 State Capitol
PO Box 778
Jefferson City, MO 65102

Dear Secretary Carnahan:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Missouri's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Missouri legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Missouri's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Missouri's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Brad Johnson
Secretary of State
State Capitol, Room 260
PO Box 202801
Helena, MT 59620-2801

Dear Secretary Johnson:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Montana's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives that the Montana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Montana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Montana's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable John Gale
Secretary of State
State Capitol, Suite 2300
P.O. Box 94608
Lincoln, NE 68509-4608

Dear Secretary Gale:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Nebraska's existing election code and procedures to include possible changes due to recent federal legislation, I have identified two initiatives that the Nebraska legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Nebraska's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Nebraska's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Dean Heller
Secretary of State
101 North Carson Street, Suite 3
Carson City, NV 89701

Dear Secretary Heller:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Nevada's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Nevada legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Nevada's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Nevada's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable William M. Gardner
Secretary of State
Office of the Secretary of State
State House, Room 204
Concord, NH 03301

Dear Secretary Gardner:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing New Hampshire's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the New Hampshire legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Hampshire's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in New Hampshire's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Peter C. Harvey
Attorney General
Richard J. Hughes - Justice Complex
25 Market Street, CN 080
Trenton, NJ 08625-0300

Dear Attorney General Harvey:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing New Jersey's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the New Jersey legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Jersey's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in New Jersey's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Rebecca Vigil-Giron
Secretary of State
325 Don Gasper, Suite 300
Capitol Annex
Santa Fe, NM 87503

Dear Secretary Vigil-Giron:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing New Mexico's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the New Mexico legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Mexico's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in New Mexico's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

Mr. Peter S. Kosinski
Deputy Executive Director
State Board of Elections
40 Steuben Street
Albany, NY 12207-2109

Dear Mr. Kosinski:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing New York's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the New York legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New York's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in New York's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

Mr. Gary O. Bartlett
Executive Deputy Director
P.O. Box 27255
Raleigh, NC 27611-7255

Dear Mr. Bartlett:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing North Carolina's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the North Carolina legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for North Carolina's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in North Carolina's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Alvin Jaeger
Secretary of State
Office of the Secretary of State
600 East Boulevard, Department 108
Bismarck, ND 58505-0500

Dear Secretary Jaeger:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing North Dakota's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives that the North Dakota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for North Dakota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in North Dakota's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable J. Kenneth Blackwell
Secretary of State
180 E. Broad Street
Columbus, OH 43215

Dear Secretary Blackwell:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Ohio's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the Ohio legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Ohio's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Ohio's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

Ms. Glo Henley
Chair, State Election Board
P.O. Box 53156
Oklahoma City, OK 73152

Dear Ms. Henley:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Oklahoma's existing election code and procedures to include possible changes due to recent federal legislation, I have identified two initiatives that the Oklahoma legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Oklahoma's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Oklahoma's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Bill Bradbury
Secretary of State
136 State Capitol Building
Salem, OR 97310-0722

Dear Secretary Bradbury:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Oregon's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Oregon legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Oregon's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Oregon's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Pedro Cortes
Secretary of the Commonwealth
302 North Office Building
Harrisburg, PA 17120-0029

Dear Secretary Cortes:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Pennsylvania's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Pennsylvania legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Pennsylvania's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Pennsylvania's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Matthew A. Brown
Secretary of State
Office of the Secretary of State
148 W. River Street
Providence, RI 02904-2615

Dear Secretary Brown:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Rhode Island's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives that the Rhode Island legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Rhode Island's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Rhode Island's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

Ms. Marci Andino
Executive Director
State Election Commission
PO Box 5987
Columbia, SC 29205-5987

Dear Ms. Andino:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing South Carolina's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives that the South Carolina legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for South Carolina's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in South Carolina's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Chris Nelson
Secretary of State
500 E Capitol Building, Suite 204
Pierre, SD 57501-5070

Dear Secretary Nelson:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing South Dakota's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the South Dakota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for South Dakota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in South Dakota's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Riley C. Darnell
Secretary of State
State Capitol, First Floor
Nashville, TN 37243

Dear Secretary Darnell:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Tennessee's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Tennessee legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Tennessee's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Tennessee's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Roger Williams
Secretary of State
P. O. Box 12887
Austin, TX 78711-2887

Dear Secretary Williams:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Texas's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Texas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Texas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Texas's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Deborah Markowitz
Secretary of State
26 Terrace Street, Drawer 9
Montpelier, VT 05609-1101

Dear Secretary Markowitz:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Vermont's existing election code and procedures to include possible changes due to recent federal legislation, I have identified nine initiatives that the Vermont legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Vermont's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Vermont's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

Ms. Jean Jensen
Secretary, State Board of Elections
200 N. 9th St., Ste. 101
Richmond, VA 23219-3497

Dear Secretary Jensen:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Virginia's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives that the Virginia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Virginia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Virginia's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Sam Reed
Secretary of State
Legislative Building, 2nd Floor
P.O. Box 40220
Olympia, WA 98504-0220

Dear Secretary Reed:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Washington's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Washington legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Washington's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Washington's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

Mr. Kevin J. Kennedy
Executive Director
P.O. Box 2973
17 West Main Street, Suite 310
Madison, WI 53701-2973

Dear Mr. Kennedy:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Wisconsin's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Wisconsin legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Wisconsin's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Wisconsin's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Joseph B. Meyer
Secretary of State
Office of the Secretary of State
State Capitol Building
Cheyenne, WY 82002-0020

Dear Secretary Meyer:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Wyoming's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Wyoming legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Wyoming's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Wyoming's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

Mr. Soliai T. Fuimaono
Chief Election Officer
PO Box 3970
Pago Pago, AS 96799-3970

Dear Mr. Fuimaono:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing American Samoa's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives that the American Samoa legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for American Samoa's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in American Samoa's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Sherry Hobbs Newman
Secretary of the District of Columbia
1350 Pennsylvania Avenue, NW
Suite 1130
Washington, DC 20004

Dear Secretary Newman:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Washington, D.C.'s existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Washington, D.C. legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Washington, D.C.'s citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Washington, D.C.'s 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Kaleo Moylan
Lieutenant Governor
PO Box 2950
Agana, GU 96910

Dear Lieutenant Governor Moylan:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Guam's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives that the Guam legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Guam's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Guam's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

Mr. Aurelio G. Morales
President, State Elections Commission
P.O. Box 195552
San Juan, PR 00919-5552

Dear Mr. Morales:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Puerto Rico's existing election code and procedures to include possible changes due to recent federal legislation, I have identified eight initiatives that the Puerto Rico legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Puerto Rico's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Puerto Rico's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Vargrave A. Richards
Lieutenant Governor
Charlotte Amalie
St. Thomas, VI 00802

Dear Lieutenant Governor Richards:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Virgin Islands's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Virgin Islands legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Virgin Islands's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Virgin Islands's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Nancy L. Worley
Secretary of State
State House, Room S-105
600 Dexter Avenue
Montgomery, AL 36104

Dear Secretary Worley:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Alabama's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Alabama legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Alabama's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Alabama's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Loren Leman
Lieutenant Governor
P.O. Box 110015
Juneau, AK 99811-0015

Dear Lieutenant Governor Leman:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Alaska's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Alaska legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Alaska's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Alaska's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Jan Brewer
Secretary of State
State Capitol, 7th Floor
1700 W. Washington
Phoenix, AZ 85007-2808

Dear Secretary Brewer:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Arizona's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives that the Arizona legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Arizona's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Arizona's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Charlie Daniels
Secretary of State
256 State Capitol Building
Little Rock, AR 72201

Dear Secretary Daniels:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Arkansas's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Arkansas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Arkansas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Arkansas's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Bruce McPherson
Secretary of State
1500 11th Street
Sacramento, CA 95814-2974

Dear Secretary McPherson:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing California's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the California legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for California's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in California's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Gigi Dennis
Secretary of State
1700 Broadway, Suite 200
Denver, CO 80290

Dear Secretary Dennis:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Colorado's existing election code and procedures to include possible changes due to recent federal legislation, I have identified five initiatives that the Colorado legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Colorado's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Colorado's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Susan Bysiewicz
Secretary of State
Office of the Secretary of State
State Capitol, Room 104
Hartford, CT 06106

Dear Secretary Bysiewicz:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Connecticut's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the Connecticut legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Connecticut's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Connecticut's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

Mr. Frank Calio
Commissioner of Elections
32 West Lookerman Street, Suite M101
Dover, DE 19904

Dear Commissioner Calio:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Delaware's existing election code and procedures to include possible changes due to recent federal legislation, I have identified three initiatives that the Delaware legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Delaware's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Delaware's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Sue McCourt Cobb
Secretary of State
R.A. Gray Building
500 S. Bronough
Tallahassee, FL 32399-0250

Dear Secretary Cobb:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Florida's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Florida legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Florida's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Florida's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Cathy Cox
Secretary of State
State Capitol, Room 214
Atlanta, GA 30334

Dear Secretary Cox:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Georgia's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Georgia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Georgia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Georgia's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Ben Ysursa
Secretary of State
State Capitol, Room 203
Boise, ID 83720-0080

Dear Secretary Ysursa:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Idaho's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Idaho legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Idaho's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Idaho's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

Mr. Daniel White
Executive Director
State Board of Elections
1020 S Spring Street
Springfield, IL 62704

Dear Mr. White:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Illinois's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the Illinois legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Illinois's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Illinois's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Todd Rokita
Secretary of State
Office of the Secretary of State
201 State House
Indianapolis, IN 46204

Dear Secretary Rokita:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Indiana's existing election code and procedures to include possible changes due to recent federal legislation, I have identified two initiatives that the Indiana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Indiana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Indiana's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Chet Culver
Secretary of State
State Capitol, Room 105
Des Moines, IA 50319

Dear Secretary Culver:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Iowa's existing election code and procedures to include possible changes due to recent federal legislation, I have identified two initiatives that the Iowa legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Iowa's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Iowa's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Ron Thornburgh
Secretary of State
120 SW 10th Avenue
Memorial Hall, 1st Floor
Topeka, KS 66612-1594

Dear Secretary Thornburgh:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Kansas's existing election code and procedures to include possible changes due to recent federal legislation, I have identified four initiatives that the Kansas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Kansas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Kansas's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Trey Grayson
Secretary of State
State Capitol, Room 150
Frankfort, KY 40601-3493

Dear Secretary Grayson:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Kentucky's existing election code and procedures to include possible changes due to recent federal legislation, I have identified seven initiatives that the Kentucky legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Kentucky's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Kentucky's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

January 3, 2006

The Honorable Gary R. Herbert
Lieutenant Governor
210 State Capitol Building
Salt Lake City, UT 84114-0607

Dear Lieutenant Governor Herbert:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Utah's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the Utah legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Utah's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in Utah's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

January 3, 2006

The Honorable William M. Gardner
Secretary of State
Office of the Secretary of State
State House, Room 204
Concord, NH 03301

Dear Secretary Gardner:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2004 elections pointed out the importance of the states enacting these legislative initiatives. In particular, those states that provided 45 or more days for ballot transit; allowed electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorized the state chief election official to implement emergency measures were able to more fully support and enfranchise our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing New Hampshire's existing election code and procedures to include possible changes due to recent federal legislation, I have identified six initiatives that the New Hampshire legislature might consider during the upcoming legislative session. These initiatives are discussed in detail in the attached legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Hampshire's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*.

As you review the enclosed initiatives for possible inclusion in New Hampshire's 2006 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislation that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2006 Legislative Initiatives

Alabama 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Alabama's use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. **Thirteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. **Forty-nine** states allow electronic transmission of at least part of the absentee voting process. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alabama's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states have passed

legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that Alabama **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-seven** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Seventee** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

State Special Write-In Absentee Ballot

We also recommend Alabama provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alabama money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and runoff elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Alaska 2006 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alaska's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that Alaska **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-seven** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state

deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alaska money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Seventeen**

states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

American Samoa 2006 Legislative Initiatives and Sample Language

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face American Samoa military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow the chief election officer more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that American Samoa allows the electronic transmission of the FPCA for registration and absentee ballot request. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The chief election officer may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that American Samoa's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components

of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current American Samoa election law requires that the FPCA must be sworn to by a person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S. or the Territories

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a citizen outside the Territory who has never lived in the Territory has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that American Samoa **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend American Samoa provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from American Samoa in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,**

citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.

The adoption of this initiative would save the territory money and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the territory;*

- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.*

Arizona 2006 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arizona military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arizona's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Arkansas 2006 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arkansas military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Arkansas enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and that registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballots.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arkansas's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Arkansas allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Arkansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the State money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 7-5-406 of the Arkansas Election Laws refers to the Overseas Citizens Voting Rights Act of 1975. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the *Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

California 2006 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face California military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that California's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. Fifteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Colorado 2006 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Colorado military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission of election materials has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Colorado has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this

alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Colorado **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned

to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Ten other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Connecticut 2006 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Connecticut military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize that Connecticut provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Connecticut enacted legislation to provide for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. However, voters using the FPCA to register are required to simultaneously mail the original, which must arrive by 5:00 p.m. on the day before the election for the ballot to be counted. The electronic transmission methodology is there to ensure the FPCA is received by the state's deadline. If the electronically transmitted FPCA for registration is not recognized until the mail version is received then the availability of electronic transmission is of no benefit to the voter. We realize the original FPCA should be mailed in all cases regardless, however we urge an extension to the acceptance deadline for the original FPCA when the voter has utilized the electronically transmitted option.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Connecticut's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Twelve states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We realize that Connecticut law allows recently discharged members of the military returning to the state too late to register during the regular registration period to register to vote up until 5:00 p.m. on the last weekday before an election. We recommend that **Connecticut allow persons recently separated from overseas employment, and their family members, to be able to register late or be exempt from registration.** Many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet the normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem.

Sample Language

A person who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Connecticut extend the availability of the state write-in absentee ballot to non-Uniformed Services overseas electors. The purpose of the state write-in absentee ballot is to **provide a method for voting by persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Use of the Federal Write-In Absentee Ballot (FWAB)

The state of Connecticut is exempt from use of the Federal Write-In Absentee Ballot (FWAB) by Section 103 (f) in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These statements exempt states that make ballots available to military voters at least 90 days before the general election and as soon as the candidate list is available for other UOCAVA citizens.

The intent of the Federal Write-In Absentee Ballot (FWAB) is to aid the enfranchisement of U.S. citizens overseas wishing to vote for Federal Offices in general elections who make timely application for, but do not receive an absentee ballot.

The intent of the current Connecticut Special Write-In Absentee Ballot is to assist members of the military and their family members who are not able to follow the regular absentee ballot application procedure.

The Connecticut Special Write-In Absentee Ballot does not accommodate citizens who request a state absentee ballot in a timely manner and do not receive it in time to vote and return it to meet the state’s ballot deadline. The FWABs, which are prepositioned at military installations and U.S. Embassies and Consulates worldwide fulfill this purpose for all overseas U.S. citizens except those whose legal residence is Connecticut.

We recommend that Connecticut allow overseas UOCAVA citizens who have requested a state absentee ballot in a timely manner and not received it in time to vote and return it to meet the state’s ballot deadline be allowed to use the Federal Write-In Absentee Ballot.

Sample Language

The Federal Write-In Absentee Ballot (FWAB) will be accepted from uniformed services and overseas voters who make timely application for, and do not receive a regular absentee ballot. The following rules shall apply with respect to the FWAB:

(1) In completing the ballot, the overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of the political party (in which case the ballots shall be counted for the candidate of that political party).

(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of the political party shall be counted as a vote for the electors supporting the candidate involved.

(3) Any abbreviation, misspelling, or other minor variation in the spelling of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Twelve states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

District of Columbia 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize the District of Columbia allows electronic transmission of the FPCA for registration and absentee ballot request and permits faxing of the absentee ballot when military service prevents the voter from receiving and returning the voted ballot. However, we encourage you to expand the use of this alternative to include electronic transmission of the blank and voted ballots for all military and overseas citizens, electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate these alternatives.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Late Registration Procedures

We recommend that the District of Columbia **allow persons recently separated from the Uniformed Services or overseas employment and their family members to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in the District of Columbia just prior to an election. This time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and registration requirements combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend that the District of Columbia provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal timeframe.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently, the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the District's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter resides outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the

Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the jurisdiction;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in the U.S., they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote.

Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Delaware 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process. We realize Delaware has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for electronically sending the ballot to the voter and accepting the voted ballot from the voter.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Delaware's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election

Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Florida 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Although Florida passed legislation allowing the electronic transmission of the blank ballot and receipt of the voted ballot by overseas U.S. citizens, we encourage you to expand the use of this alternative. We request that Florida allow election officials to electronically send the blank ballot and accept the voted ballot electronically from military voters **in the U.S.**, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate this alternative.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors via electronic transmission.

State Write-In Absentee Ballot

We recommend that Florida provide a state write-in absentee ballot for **all elections**. We commend you for passing legislation that allowed for a state write-in ballot for general elections. However, we request that you expand this to all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame for all elections**. Thus, a voter would know that they could exercise their right to vote for all Florida elections, not just one. We encourage you to include this in your next legislative package.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently in Florida, the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Seventeen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Georgia 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Georgia enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and the registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Georgia's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces,

or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Georgia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure

enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if: taneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Guam 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration and ballot request, sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Guam's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components

of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Guam election law requires that the ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that **Guam allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Guam Election Code

The Guam Election Code refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the Guam election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the Guam Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Special Write-In Absentee Ballot

We also recommend Guam provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will**

be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from Guam in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state or territory does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.*

Hawaii 2006 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Hawaii military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Hawaii allow persons recently separated from the Uniformed Services, the merchant marine, or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Although Hawaii Revised Statute Section 15-3 states "...any former registered voter of Hawaii may vote an absentee ballot in any presidential election occurring within twenty-four months after leaving Hawaii...", This statute does not cover members of the Uniformed Services, the merchant marine, or citizens employed overseas, and family members that have been away for over 24 months. Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. A special late registration procedure for these circumstances would solve this problem. **Twenty-seven** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial

limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. While Hawaii offers electronic transmission of election materials, the fact remains that by **expanding the use of the FWAB to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Hawaii money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

State Special Write-In Absentee Ballot

We also recommend Hawaii provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the

FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Idaho 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country whom may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Idaho allows for the electronic transmission of the Federal Post Card Application (FPCA) for absentee ballot request, and for transmission of a blank ballot in certain emergency situations. We recommend expanded use of this alternative to include electronic transmission of the FPCA request for registration as well as electronic transmission of the blank ballot to the voter and acceptance of the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Idaho's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Idaho **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Idaho provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the State in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the State. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these**

citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under the *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Illinois 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Illinois enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for ballot requests by members of the Armed Forces. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise them. **Thirteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Illinois' **State Board of Elections/Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The State Board of Elections/Chief Election Official and the Federal Voting

Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission or fax. As an example, in light of the surge of Guard and Reserve forces being deployed, the State Board of Elections/Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The State Board of Elections/Chief Election Official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The State Board of Elections/Chief Election Official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the State Board of Elections/Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The State Board of Elections/Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Illinois currently allows members of the Armed Forces or merchant marine, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Illinois expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's 30-day residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. **Twenty-seven** states currently allow such procedures.

Sample Language

An individual or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Application for Ballot by Proxy to Overseas Citizens

Currently, Illinois allows spouses, and other family members, to use a special application provided by the local election official to request that an absentee ballot be mailed to members of the Uniformed Services. **We recommend this option be expanded to allow spouses and other family members of overseas civilian citizens to request an absentee ballot be mailed to them.**

Sample Language

If a spouse, dependent, mother, father, sister or brother of a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is registered to vote in the same county as that citizen, he or she may request that an absentee ballot be mailed to that voter by completing a special application provided by the local election official.

State Special Write-In Absentee Ballot

We also recommend Illinois provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 10 of the Illinois Election Laws makes no reference to Federal law. In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which the Federal Voting Assistance Program administers. **Reference to the UOCAVA in the state election code** would help election officials and interested citizens find guidance to applicable federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process,

improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Illinois money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for federal office. **Seventeen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Indiana 2006 Legislative Initiatives and Sample Language

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Iowa 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Iowa enacted legislation to provide for electronic transmission of the Federal Post Card Application request for registration and an absentee ballot. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. The following sample language would allow for these procedures.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We understand Iowa currently allows discharged military personnel to register late. **We encourage expanding this option to their family members and overseas citizens who may go through a transition period when they first leave the Uniformed Services or**

overseas employment and may reside in your state just prior to an election. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home after active duty or employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Kansas 2006 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kansas' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Kansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff**

elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and runoff elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Kentucky 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Kentucky enacted legislation, which provides for the electronic transmission of the Federal Post Card Application (FPCA) for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic

transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kentucky's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 117 of the Kentucky Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that **Kentucky allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Kentucky provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter

on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Louisiana 2006 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem, which continues to face Louisiana military and overseas voters, is the extremely short period of time these voters have to receive, vote, and return their absentee ballots **for non-Presidential elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states currently have a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Louisiana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Uniformed Services, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Louisiana allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Louisiana provide a state write-in absentee ballot for all elections, *not only the Presidential election.* The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the

regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Maine 2006 Legislative Initiatives and Sample Language

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face Maine military and overseas voters is the short period of time these voters have to receive, vote, and return their absentee ballots for **non-Federal elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. However, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Maine has enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) request for registration and ballot. We recommend expanded use of this alternative to include electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Maine's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Maine **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application

(FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections.

Maryland 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Maryland has done an exceptional job passing legislation on behalf of *UOCAVA* voters regarding electronic transmission of election materials. However, we request your consideration again to make further changes in Maryland law/administrative procedures that would include the faxing of the voted ballot for all *UOCAVA* absentee voters and of the FPCA for registration purposes. We realize that Maryland allows faxing of the FPCA for an absentee ballot request and now the unvoted ballot and that Maryland law prohibits electronic facsimile if the document requires a signed affidavit. However, we encourage expansion of this alternative to include electronic transmission of the FPCA for registration (since we instruct voters to submit the original, signed FPCA after faxing and the FPCA form is a simultaneous request for registration and request for absentee ballot) and acceptance of the voted ballot electronically from the voter (signature already on file) where circumstances would otherwise disenfranchise a citizen. The sample language below accommodates these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local board of elections may receive FPCAs for registration, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

Although the Maryland General Assembly deleted the late registration provision from Maryland law, we never-the-less encourage you to recommend that Maryland reinstate procedures **to allow persons recently separated from the Uniformed Services and their family members to be able to register late (or be exempt from registration)**. Previously, honorably discharged military personnel and their spouses and dependents could still vote absentee if a Federal Post Card Application arrived not later than 8 p.m. on election day. Additionally, we recommend that Maryland expand this procedure **to allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**.

Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-seven** states now allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

Although Maryland provides ample time for transit of ballots under normal circumstances, especially with late counting, we continue to recommend that Maryland provide a state write-in absentee ballot for all elections as a means to vote in case there are delays in mailing and returning absentee ballots. Again, the main purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

We appreciate the action taken by the Maryland State Board of Elections to allow overseas voters to cast votes for state and local offices in primary and special Federal elections using the Federal Write-In Absentee Ballot (FWAB). Since this ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership, many overseas citizens have access to it and would not be disenfranchised because their regular ballots were not received in a timely manner.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Seventeen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*. To address your concerns about lack of control over the process, the citizen must provide a valid Maryland residence address and sign the FPCA attesting that he/she is a U.S. citizen and is not voting in any other jurisdiction.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Massachusetts 2006 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Massachusetts military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. The fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Massachusetts provides 45-day transit time for Primary elections (35 days before election and 10 days extended counting after election). However, expanding this provision to **all elections** would help ensure enfranchisement. **Forty-one** states now allow 45-day ballot transit time for general elections.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Massachusetts has enacted legislation allowing citizens to send the Federal Post Card Application (FPCA) via electronic transmission. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot via electronic transmission from these voters where circumstances would otherwise disenfranchise them. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Massachusetts' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

State Special Write-In Absentee Ballot

We also recommend Massachusetts provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. We realize Massachusetts provides a special write-in absentee ballot if the local election official does not have the regular state ballot available for mailing. However, expanding this provision by making this ballot available upon request by UOCAVA citizens and expanding its use for all elections would help ensure enfranchisement. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for local, state and Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Massachusetts money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Michigan 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the blank ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and

Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Use of One Federal Post Card Application (FPCA) for ALL Elections in a Calendar Year

Congress modified the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* in December 2001 to require the States, effective immediately, to accept a single FPCA, that is received 30 days or more before an election, as a simultaneous voter registration and absentee ballot application for all elections for Federal offices held in the State during that calendar year. FVAP reminds you of this requirement and recommends extension of this provision to include all State and local elections for which the citizen is eligible to vote. We recommend that the following procedure be adopted:

Sample Language

An application for an absentee ballot by mail must be received by the county (or municipality) clerk in the applicant's county (or municipality) of voting residence within the time frame specified by law. The single absentee ballot application must permit the person to register to vote and to request an absentee ballot for each election held within that calendar year for which the voter is eligible to vote.

Notary Requirement

Current Michigan election law requires that the FPCA used to register and request absentee ballots or to request absentee ballots only, must be sworn to before an official authorized to administer oaths if the requesters are Michigan residents temporarily residing outside the U.S. and unaffiliated with the U.S. Federal Government, or overseas citizens. This notary requirement continues to be a problem for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. We heard this many times over in the 2004 Presidential election year. Some voters have paid \$90 to obtain notarial services to exercise their right to vote. In many countries, there are no notaries in their system of jurisprudence. We strongly recommend action this legislative year to **remove the notary requirement for all absentee balloting materials or not require notarization after initial registration notary is provided**. To this end, we support HB 6061, which is currently under consideration in your legislature. Please contact us to provide testimony for, or to write letters in support of, this legislation. **Michigan is one of only six states and territories that have a notary requirement for the Federal Post Card Application for citizens outside the U.S.**

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

"Not Earlier Than" Restrictions

~~We also note that Michigan has a specified time during which requests for registration and/or absentee ballots may be received by local election officials, i.e., not earlier than 75 days before the election and not later than the Saturday before the election. The "not earlier than" limitation has also caused a problem for military personnel or other citizens overseas. Frequently, programs encouraging voter registration and participation are held at various times during an election year. During these sessions, citizens are encouraged to submit an application for registration and/or request for absentee ballot. On other occasions, a candidate may address a large gathering of citizens to encourage them to register and vote. Persons who are motivated to act as a result of these sessions could have their applications rejected because they were received too early or too late by local election officials. This can be very frustrating, particularly to first time voters.~~

~~We appreciate the fact that you have provided an administrative instruction to hold applications that arrive earlier than 75 days before the election. However, we urge that the **"not earlier than" dates for ballot requests be eliminated** completely by legislation. Further, we recommend a part in the statutes be established for Federal absentee voters separate from regular absentee voters. Your laws now address each class of voter the same way even though there are quite different circumstances between a regular absentee voter who will not be present at the polls on election day due to vacation, hospitalization, etc. and a Federal absentee voter who requires more time to request an absentee ballot. **Forty-nine** states have already removed such requirements.~~

Late Registration Procedures

We recommend that Michigan **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-seven** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for **all elections**. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Minnesota 2006 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Minnesota military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as State Department personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Minnesota has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Minnesota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Minnesota **allow persons recently separated from the Uniformed Services or overseas employment and their family members to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Notary Requirement

We realize notarization of the FPCA and the ballot return envelope is not necessary if a voter provides his/her military ID number or passport number. However, if a voter overlooks this requirement or if he or she is unable to obtain notarial services, he or she may be disenfranchised. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

State Write-In Absentee Ballot

We also recommend Minnesota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame**. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Mississippi 2006 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that American Samoa's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Mississippi election law requires that the affidavit on the absentee ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Return of Voted Ballot by Close of Polls on Election Day

We notice Mississippi requires UOCAVA voters to return their voted ballot by 5:00 p.m. the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, the voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Mississippi accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 23, Section 23-15-677 of the Mississippi Election Laws refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that **Mississippi allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Mississippi provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declarations as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter

on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Missouri 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Missouri enacted legislation allowing citizens to send the FPCA via electronic transmission when requesting an absentee ballot. We encourage expanded use of this alternative to include electronic transmission of the FPCA for ballot request and registration, electronically sending the ballot to the voter, and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Missouri Election Laws do not refer to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Ten other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a Uniformed Service member and a qualified elector, he or she

may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Montana 2006 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Montana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Montana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or

rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

State Special Write-in Absentee Ballot

We also recommend that Montana provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Nebraska 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Nebraska enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests. We recommend expanded use of this alternative to include electronic transmission of the unvoted ballot to the voters covered by UOCAVA, and accepting the voted ballot from these voters via electronic transmission. **Thirteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Nebraska's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states have passed

legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Nevada 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised due to time and location constraints, by allowing them to cast a ballot when they would not otherwise have been able to vote.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process to include electronic transmission of the FPCA for registration by all citizens voting under the Uniformed and Overseas Citizens Absentee Voting Act, electronically sending the ballot to these citizens and accepting the voted ballot from these citizens where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Nevada's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed

Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Nevada currently allows members of the Armed Forces, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Nevada expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the termination date of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home from employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Nevada provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to Uniformed Services voters and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned. During past

primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

New Hampshire 2006 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New Hampshire military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, electronically sending the blank ballot to the voter and accepting the voted ballot from the voter where

circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Hampshire's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

(3) Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

New Jersey 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that New Jersey enacted legislation to provide for the electronic transmission of the FPCA for ballot request, the electronic receipt of the blank ballot by the voter, and accepting an overseas ballot by electronic means. We encourage expanded use of this alternative to accept electronic transmission of the FPCA for registration purposes and to include electronically accepting the voted ballot from the Uniformed Services voter who is out of the state, but not necessarily overseas, on election day where these circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, or a family member, and is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend New Jersey provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas

organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Jersey's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We realize that **New Jersey allows persons recently separated from the Uniformed Services and their family members as well as civilians attached to or serving with the Uniformed Services to register late and obtain an emergency voting form.** We recommend this option be expanded to civilian citizens returning to New Jersey after overseas employment. Many of these citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for

registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

New Mexico 2006 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that New Mexico **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend New Mexico provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee

ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help

ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

New York 2006 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New York military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. This is why it is necessary to allow a minimum of 45 days transit time for absentee ballots.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints. Currently, forty-nine states allow electronic transmission of election materials.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We enlist your support once again this year in developing the **acceptance of electronic transmission for all parts of the process**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider using modern technology in the absentee voting process. We encourage the use of this alternative to include the **electronic transmission of the FPCA for registration and ballot request, the blank ballot to the voter, and the voted ballot from the voter** where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A county board of elections official may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that New York's **Chief Election Official (CEO) have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The CEO and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **New York allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States,

too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that New York provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to Uniformed Services voters and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of the *Federal Voting Assistance Act of 1955* and the *Overseas Citizens Voting Rights Act of 1975* into the *Uniformed and Overseas*

Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the New York election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the New York Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

North Carolina 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of Uniformed Services members and overseas citizens who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Please consider expanding the use of modern technology to overseas citizens. We realize that North Carolina allows the submission of the Federal Post Card Application for registration and absentee ballot request by overseas citizens. However, this should be extended to allow the faxing of the blank and voted ballot to these citizens from your state as you have done for Uniformed Services members. Thus, we strongly encourage expanded use of this alternative to include the transmission of the blank ballot by fax to **all UOCAVA** voters and the acceptance of the voted ballot from **all UOCAVA** citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

One Federal Post Card Application for All Elections

The *National Defense Authorization Act of Fiscal Year 2002* states that, "If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed service voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(a)(4)) and the voter requests that the application be considered an application for an absentee ballot for each subsequent election For Federal office held in the State during that year, the State shall provide an absentee ballot to the voter for each subsequent election for Federal office held in the State during that year." This section was amended by the *Help America Vote Act of 2002* to extend the period covered by the single absentee ballot application through the next two regularly scheduled general elections for Federal office. We strongly recommend legislation be enacted to include North Carolina residents who registered locally prior to January 1, 2004 (when this provision of *HAVA* was enacted) and then go overseas to be able to use one FPCA for all elections through the next two regularly scheduled general elections for Federal office. These citizens currently must send in a FPCA or written request before each election.

State Write-In Absentee Ballot

We recommend that North Carolina provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted.

Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the

actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request*

is submitted; and

(3) the request is received by the appropriate state election official not less than 30 ——— days before the election or by the registration deadline established by the state.

Late Registration Procedures

We realize that North Carolina currently **allows persons recently separated from the Armed Forces to register and vote in person up to and including election day.** We recommend expanding this option to Uniformed Services family members and to citizens returning from overseas employment. Many of these citizens go through a transition period and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Seventeen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

North Dakota 2006 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **North Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 16 of the North Dakota Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Ohio 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

We realize that Ohio enacted legislation to provide for electronic transmission of the FPCA for ballot request and electronic transmission of the blank ballot to voters in the Uniformed Services. We encourage expanded use of this alternative to all UOCAVA citizens to include electronic transmission of the Federal Post Card Application for registration, electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Sample Language

An applicant who is a member of the United States Uniformed Services, the merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Ohio's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special

procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expansion of Late Registration Procedures

We realize that Ohio allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may not know in which state they will live. Others may move to a new state and not meet the state's residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services by separation from the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Waiver of Registration for Citizens Covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*

While we realize that registration is waived in Ohio for members of the U.S. Armed Forces and their family members, we encourage expansion of this provision to include all groups covered in the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* definitions. The following is an extract from the UOCAVA, 42 USC 1973ff-6. Section 107. Definitions:

“(1) "absent uniformed services voter" means --

- (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;
- (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and
- (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote

and

“(7) “uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration”.

The sample language below will accommodate this provision.

Sample Language

If you are a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act, your registration is waived and you may request an absentee ballot by submitting an FPCA so it is received by the county board of elections not later than 3 days before the election.

State Write-In Absentee Ballot

We also recommend Ohio provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter

knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration

is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Oklahoma 2006 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oklahoma military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to the timely delivery of absentee ballots for those who request them. For Oklahoma, our *2004-2005 Voting Assistance Guide* states that local election officials mail out ballots approximately 30 days before an election. While we commend you for expanding the time between the state run-off election and the General Election, Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** other states have increased their ballot transit times to greater than 30 days.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although we realize that Oklahoma enacted legislation to provide for the electronic transmission of the FPCA ballot request, and for the electronic transmission of the blank ballot and acceptance of the voted ballot under certain limited circumstances, we encourage expanded use of this alternative to include the use of electronic transmission of the blank ballot and acceptance of the voted ballot on a regular basis, as an alternative method, not merely during certain limited circumstances.

Sample Language

An elections official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Oregon 2006 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oregon military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Oregon provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Oregon has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request and electronic transmission of the blank ballot.

We encourage expanded use of this alternative to include acceptance of the voted ballot from the voter by electronic transmission where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send a blank ballot to a voter and accept voted ballots via electronic transmission from eligible electors.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Oregon's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expansion of Late Registration Procedures

We realize that Oregon allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or

overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services or the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Pennsylvania 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We request your support in developing the **acceptance of electronic transmission of absentee ballots in Pennsylvania**. With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize that Pennsylvania allows the submission of the Federal Post Card Application for registration and absentee ballot request. However, Pennsylvania now only allows the electronic transmission of the blank ballot if a person is in a designated hostile fire, imminent danger pay, combat zone or qualified hazardous duty area. Further, there is no faxing of the voted ballot in your state. We strongly encourage expanded use of this alternative to include the transmission of the blank ballot by fax to all *UOCAVA* voters and the acceptance of the voted ballot (to include a waiver of privacy) from all *UOCAVA* citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that **Pennsylvania's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Return of Voted Ballot by Close of Polls on Election Day

Pennsylvania continues to require voters covered under the *Uniformed and Overseas Absentee Voting Act (UOCAVA)* to return their voted ballot by 5:00 p.m. on the Friday before the election. This deadline is earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, these voters need every day available to them prior to the close of polls to ensure timely return of ballots. For this reason we recommend that Pennsylvania accept voted ballots from all *UOCAVA* citizens until the close of polls on election day. Only **four** other states require the return of the voted ballot before election day.

Late Registration Procedures

We recommend that **Pennsylvania allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-seven** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special and primary elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, and primary elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Seventeen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector

Puerto Rico 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although Puerto Rico currently allows electronic transmission of the FPCA, including fax and email, we encourage the use of this alternative to include the electronic transmission of the FPCA for electronically sending the blank ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise them. **Thirteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The Commonwealth Elections Commission may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Puerto Rico's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states and territories have passed legislation giving

the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this commonwealth, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the Commonwealth.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Puerto Rico election law requires that the FPCA and the ballot return envelope must be sworn to by a person authorized to administer oaths. Depending on the category of *UOCAVA* voter, the oath must be administered by a commissioned officer, the highest officer on board ship, an official in the school registrar's office, a notary public, or a consular officer. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We strongly recommend **removal of the notary requirement for all absentee balloting materials**. Fifty states and territories have eliminated the notary requirement on all election materials.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that **Puerto Rico allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in Puerto Rico just prior to an election and this time frame does not meet Puerto Rico's normal residency requirements. Often, the date of discharge or termination of overseas employment and a commonwealth's registration requirement combine to disenfranchise

a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-seven** states and territories currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular commonwealth deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Special Write-In Absentee Ballot

We also recommend that Puerto Rico provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from Puerto Rico in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular absentee ballot from Puerto Rico does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot

during the normal absentee voting period. Puerto Rico will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the commonwealth's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate commonwealth election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save the commonwealth money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he

or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, commonwealth and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the commonwealth of Puerto Rico;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate Puerto Rico election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Commonwealth Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the commonwealth's election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. **Thirty-seven** states and territories now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Seventeen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We**

recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the Commonwealth of Puerto Rico has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Rhode Island 2006 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

Despite the alternative of mailing the official state blank ballot 45 days before an election if the official ballot is not yet available, Rhode Island military and overseas voters continue to have an extremely short period of time to receive, vote, and return their absentee ballots in order to be counted (21 days) in the regular absentee ballot delivery process. While electronic transmission of election materials offers an alternative to speed ballot transit time, inadequate ballot transit time through the mail remains the primary obstacle to timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Rhode Island's **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

We note that in 2003 Governor Carcieri signed into law legislation naming the Secretary of State (SoS) the Chief State Election Official in Rhode Island and that your Legislative Implementation Report for 2004 indicates that the SoS intends to introduce legislation to provide the necessary emergency authority for the SoS as the chief election official. If we can help in this effort, please let us know.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National

Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Coverage and Notary Requirement

Under Section 17-20-6.1, Rhode Island provides that the Federal Post Card Application (FPCA) may be used as a request for an absentee ballot by the following groups under UOCAVA (42 U.S.C. § 1973ff):

- (1) A member of the armed forces who is absent from the state by reason of being in active service;
- (2) Any person absent from the state in performance of "services intimately connected with military operations" as defined in § 17-20-3(d); and
- (3) Any person who is employed outside of the United States as defined in § 17-20-3(c)

In contrast, UOCAVA includes Uniformed Services and overseas citizens defined in Section 107 as follows:

- (1) "absent uniformed services voter" means --:
 - (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;
 - (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and
 - (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote;
- (5) "overseas voter" means --:
 - (A) an absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;
 - (B) a person who resides outside the United States and is qualified to

vote in the last place in which the person was domiciled before leaving the United States; or:

- (C) a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

Rhode Island law excludes *UOCAVA* citizens who mark 8.d. on the FPCA from the procedures of 17-20-6.1, which waives registration, and subjects them to additional procedures in Section 17-21.1-3 by requiring them to submit the Mail Ballot Application and affidavit prior to mailing the absentee ballot. This introduces additional steps and mailing time into the process and the requirement to obtain notarial services to exercise their right to vote. In many countries, voters have paid up to \$90 for these services and other countries do not have notaries in their system of jurisprudence.

Thus, we request that Rhode Island include those overseas citizens currently covered by these separate procedures in Section 17-21.1-3 under Section 17-20-6.1 to allow these citizens to use the FPCA to request an absentee ballot in the same way as the rest of the *UOCAVA* citizens. As an alternative, Rhode Island could include the Mail Ballot Application along with the ballot to register the applicant and have the citizen attest to a self-administered oath on the form, eliminating the requirement for a notary.

South Carolina 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to use of modern technology in the absentee voting process. We realize South Carolina has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request and for the electronic transmission of the blank ballot and acceptance of the voted ballot in emergency situations only. We encourage expanded use of this alternative to include the use of electronic transmission of the blank ballot and acceptance of the voted ballot on a regular basis, as an alternative method, not merely during emergencies.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

South Dakota 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration and ballot request, electronically sending the ballot to the voter and accepting the voted ballot from the voter, where circumstances would otherwise disenfranchise a citizen. Below is suggested language allowing for electronic transmission to be used in these three steps of the absentee voting process.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **South Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that South Dakota **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend South Dakota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB voter declaratin as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Tennessee 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Tennessee enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronic transmission of the FPCA for registration, electronically sending the blank ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample language allowing for these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Tennessee's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

Section 2-6-112 of the Tennessee Election Law refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Late Registration Procedures

We recommend that Tennessee **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Use of FWAB as state special write-in by all UOCAVA citizens:

A citizen voting under the UOCAVA who, due to military or other contingencies that preclude normal mail delivery who will be unable to vote by regular absentee ballot, may use a Federal Write-In Absentee Ballot to vote in Federal elections for Federal office for the candidate of his or her choice.

Texas 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Thus, we request your support **to develop acceptance in Texas for the electronic transmission of the blank and voted ballots to all UOCAVA voters**. With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of this modern technology in the absentee voting process. We realize that Texas provides for the electronic transmission of the FPCA for registration and early voting ballots. Additionally, in 1997, Texas enacted legislation to allow the electronic transmission of the voted ballot by members of the U.S. Armed Forces on active duty overseas, or their family members, if the Armed Forces members are casting the ballot from an area where the members are eligible to receive hostile fire pay or imminent danger pay, or that has been designated by the President of the United States as a combat zone. However, we continue to encourage expanded use of this alternative to include electronically sending the blank ballot to all Texas UOCAVA voters who request it and accepting the voted ballot where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that instead of the Texas Governor, Texas' **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Federal Voting Assistance Program is in closer contact with the Chief Election Official and could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Even though Texas has enacted a 30-day registration deadline as a safeguard to prevent fraud, we still encourage Texas to **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late, e.g., up to the day of the election, or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election (within 30 days of the election). This time frame does not meet your state's current registration requirements. Further, the date of discharge or termination of overseas employment and the Texas registration requirement may combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-seven** states currently have such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We realize that Texas provides a state special write-in absentee ballot to Uniformed Services members if they are unable to cast a ballot on election day or during the early voting period because of a military contingency. We recommend expansion of this state write-in absentee ballot to **provide a method for voting by other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in

advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

We recognize that Texas recently passed a law that expanded the use of the Federal Write-In Absentee Ballot (FWAB) to any special, primary or runoff election for Federal offices. In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve ballot transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Seventeen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Utah 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Currently, acceptance of electronic transmission of election materials varies from county to county in Utah. Consideration should be given to more uniform use of modern technology in the absentee voting process. We encourage statewide adoption of procedures to allow for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot request, electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Utah's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We realize Utah provides a Special Military Write-In Absentee Ballot if the citizen will be unable to vote by regular ballot. We recommend expanding use of this ballot to **provide a method for voting to other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame.** A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states have implemented state write-in absentee ballots for this purpose.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have

already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FQAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in the general election. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner.

Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. On an *ad hoc* basis, during past primaries, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve transit

time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Vermont 2006 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Vermont military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states have provisions for the 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Vermont currently allows for electronic transmission of the FPCA for registration and ballot request and electronically sending the blank ballot to the voter. We encourage enacting legislation for acceptance of the voted ballot electronically from the voter

where circumstances would otherwise disenfranchise a citizen. Below is sample legislation that will provide for this alternative.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Vermont's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Removal of Notary Requirement

Current Vermont election law requires that the FPCA used to register must be notarized. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid **\$90** to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, many small military installations may have no commissioned officer assigned.

Alternatively, we recommend unregistered applicants be instructed to read the Freeman's Oath prior to signing the FPCA. Item 8e of the 1995 FPCA contains language where the applicant swears/affirms under penalty of perjury that he or she is "a U.S. citizen, eligible to vote in the

above jurisdiction and subscribe to any required state/local oath or statement.” This would eliminate the need to attach the oath to the FPCA. For the reasons stated above, we recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Vermont **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state’s normal residency requirements. Often, the date of discharge or termination of overseas employment and a state’s registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

State Write-In Absentee Ballot

We also recommend Vermont provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from the State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now have state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. Thirty-seven states have modified state election code to reference UOCAVA.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Virgin Islands 2006 Legislative Initiatives and Sample Language

Late Registration Procedure

The Virgin Islands currently allows members of the Armed Forces and merchant marine, discharged within 60 days of an election and who return to the Virgin Islands too late to register, to vote in the upcoming election. We recommend that the Virgin Islands expand the scope of this procedure and **allow Uniformed Services personnel (Coast Guard, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration), civilians recently separated from overseas employment, and the spouses and dependents of all these groups to be eligible for the same procedure.** These citizens also go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. Expanding the scope of your existing procedure would solve this problem. **Fifteen** states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Special Write-in Absentee Ballot

We also recommend the Virgin Islands provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Virgin Islands money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with Virgin Islands registration requirements;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. **Seventeen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Virginia 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We realize Virginia allows electronic transmission of the FPCA for absentee ballot request. We also note that Virginia has conducted several successful pilot projects with the transmission of blank ballots by electronic mail. We continue to support your innovative electronic voting projects; however, we also continue to encourage expanded use of electronic transmission to include sending the blank ballot to the voter and accepting the voted ballot from the voter by facimile where circumstances would otherwise disenfranchise a citizen. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An election official may send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Seventeen** states have already passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently, Virginia law allows the Federal Write-In Absentee Ballot (FWAB) to be used in all elections and from inside or outside the United States. However, we continue to recommend that the FWAB voter declaration be accepted as **a request for registration simultaneously with the submission of the completed FWAB**. We realize that legislation has been passed providing that the FWAB can be used to serve as **an application** for an absentee ballot and the absentee ballot itself for Federal offices provided the Registrar received it not less than five days prior to the election. Consideration should be given to simplify the registration and request for absentee ballot request process and improve ballot transit time through the combined use of the FWAB for registration and absentee ballot simultaneously. It should be noted that the information requested on the FWAB transmission envelope, is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). This does not change the data required from your state for these citizens. The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is outside the U.S. or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state .*

Washington 2006 Legislative Initiatives and Sample Language

The Need for 45-day Ballot Transit Time

The most persistent problem which continues to face Washington military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices.** This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-one** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Washington's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Fifteen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may

prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that **Washington allow persons recently separated from the Uniformed Services, the merchant marine or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting Washington's 15-day late registration deadline. We recommend that UOCAVA citizens be permitted to register up to the day of the next ensuing election when these circumstances arise. **Twenty-seven** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the state Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Washington money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he

or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Seventeen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

West Virginia 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, electronically sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **West Virginia's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **West Virginia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend West Virginia provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to Uniformed Services voters and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are currently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

For those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information that is requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the chief election officer.

Wisconsin 2006 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Wisconsin military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Although Wisconsin local election officials mail absentee ballots 30 days before the general and 21 days before the primary elections, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Wisconsin enacted legislation to provide for the electronic transmission of the FPCA for ballot request and the electronic receipt of the blank ballot by

the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wisconsin's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Wisconsin election law requires that, for military voters, the certificate-affidavit on the ballot return envelope must be sworn to by a person authorized to administer oaths or witnessed by two adult U.S. citizens. Additionally, for overseas citizens who are required to register, the FPCA must be witnessed by any person authorized to administer oaths or one adult U.S. citizen. We recommend **removal of the notary and witness requirements for all absentee balloting materials**. Forty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Wisconsin **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on

the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Wyoming 2006 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure near real-time delivery of election materials between the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time substantially.

We note that Wyoming permits absentee ballot requests to be made by telephone and email. We encourage the further use of electronic transmission to include electronically sending the Federal Post Card Application (FPCA) for registration and absentee ballot request, sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the merchant marine, or their family members, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wyoming's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe,

by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

State Write-In Absentee Ballot

We recommend that Wyoming provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and

Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Eleven states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*

- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

January 10, 2007

The Honorable Beth Chapman
Secretary of State
State Capitol, Room S-105
600 Dexter Avenue
Montgomery, AL 36104

Dear Secretary Chapman,

I would like to thank you for the work you and Secretary Worley have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Alabama's existing election code and procedures, I have identified seven initiatives that the Alabama legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Alabama's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 19,029 Uniformed Services members, 27,209 family members and approximately 56,315 overseas citizens that claim Alabama as their voting residence.

As you review the enclosed initiatives for possible inclusion in Alabama's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

January 12, 2007

The Honorable Debra Bowen
Secretary of State
1500 11th Street
Sacramento, CA 95814-2974

Dear Secretary Bowen,

I would like to thank you and Secretary McPherson for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing California's existing election code and procedures, I have identified four initiatives that the California legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for California's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 133,654 Uniformed Services members, 100,240 family members and approximately 426,385 overseas citizens that claim California as their voting residence.

As you review the enclosed initiatives for possible inclusion in California's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

January 9, 2007

The Honorable Mike Coffman
Secretary of State
1700 Broadway, Suite 200
Denver, CO 80290

Dear Secretary Coffman,

I would like to thank you for the work you and Secretary Dennis have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Colorado's existing election code and procedures, I have identified four initiatives that the Colorado legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Colorado's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 17,362 Uniformed Services members, 13,021 family members and approximately 56,315 overseas citizens that claim Colorado as their voting residence.

As you review the enclosed initiatives for possible inclusion in Colorado's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

Colorado 2007 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Colorado military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission of election materials has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We realize Colorado has enacted legislation that allows Uniformed Services members and overseas citizens to submit the FPCA, receive a blank ballot and return the voted ballot by fax. Colorado further permits Uniformed Services members serving outside the U.S. to submit the FPCA, receive a blank ballot and return the voted ballot by electronic mail. We encourage expanded use of this alternative to include the use of fax and electronic mail to all UOCAVA voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A County Clerk and Recorder may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Colorado **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-eight states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

January 9, 2007

The Honorable Mike Coffman
Secretary of State
1700 Broadway, Suite 200
Denver, CO 80290

Dear Secretary Coffman,

I would like to thank you for the work you and Secretary Dennis have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Colorado's existing election code and procedures, I have identified four initiatives that the Colorado legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Colorado's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 17,362 Uniformed Services members, 13,021 family members and approximately 56,315 overseas citizens that claim Colorado as their voting residence.

As you review the enclosed initiatives for possible inclusion in Colorado's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

January 12, 2007

The Honorable Michael Mauro
Secretary of State
Office of the Secretary of State
Lucas Building, 1st Floor
321 E 12th Street
Des Moines, IA 50319

Dear Secretary Mauro,

I would like to thank you and Governor Culver for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Iowa's existing election code and procedures, I have identified three initiatives that the Iowa legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Iowa's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 8,715 Uniformed Services members, 6,536 family members and approximately 40,225 overseas citizens that claim Iowa as their voting residence.

As you review the enclosed initiatives for possible inclusion in Iowa's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

January 4, 2007

The Honorable Mary Herrera
Secretary of State
325 Don Gasper, Suite 300
Capitol Annex
Santa Fe, NM 87503

Dear Secretary Herrera,

I would like to thank you and Secretary Vigil-Giron for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New Mexico's existing election code and procedures, I have identified four initiatives that the New Mexico legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Mexico's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 9,170 Uniformed Services members, 6,877 family members and approximately 24,135 overseas citizens that claim New Mexico as their voting residence.

As you review the enclosed initiatives for possible inclusion in New Mexico's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

Polli K. Brunelli
Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

January 11, 2007

The Honorable Ross Miller
Secretary of State
101 North Carson Street, Suite 3
Carson City, NV 89701

Dear Secretary Miller,

I would like to thank you for the work you and Secretary Heller have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Nevada's existing election code and procedures, I have identified six initiatives that the Nevada legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Nevada's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 15,573 Uniformed Services members, 11,679 family members and approximately 24,135 overseas citizens that claim Nevada as their voting residence.

As you review the enclosed initiatives for possible inclusion in Nevada's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

January 10, 2006

The Honorable Greg Francis
Lieutenant Governor
Office of the Lieutenant Governor
1105 King St.
Christiansted
St. Croix, VI 00820

Dear Lieutenant Governor Francis,

I would like to thank you for the work you and Lieutenant Governor Richards have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Virgin Islands's existing election code and procedures, I have identified five initiatives that the Virgin Islands legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Virgin Islands's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 318 Uniformed Services members, 239 family members and many overseas citizens that claim Virgin Islands as their voting residence.

As you review the enclosed initiatives for possible inclusion in Virgin Islands's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

January 10, 2007

The Honorable Beth Chapman
Secretary of State
State Capitol, Room 5-105
600 Dexter Avenue
Montgomery, AL 36104

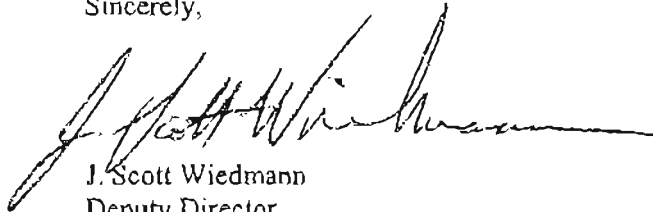
Dear Secretary Chapman,

I would like to thank you for the work you and Secretary Worley have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Alabama's existing election code and procedures, I have identified seven initiatives that the Alabama legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Alabama's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 19,029 Uniformed Services members, 27,209 family members and approximately 56,315 overseas citizens that claim Alabama as their voting residence.

As you review the enclosed initiatives for possible inclusion in Alabama's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

Alabama 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Alabama's use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. **Sixteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. **Fifty** states allow electronic transmission of at least part of the absentee voting process. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alabama's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow

electronics transmission of voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that Alabama **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent.

We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

State Special Write-In Absentee Ballot

We recommend Alabama provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB.

However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an

absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alabama money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Elimination of Witness/Notary Requirement

Alabama absentee ballot return envelope contains an affidavit which must be sworn to before a commissioned officer, notary or other person authorized to administer oaths, or two witnesses (18 years or older). We recommend that **Alabama eliminate the requirement for voting materials to be notarized or witnessed for uniformed service members and overseas citizens**. While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and/or overseas voters in order to return a voted ballot. Additionally, many overseas citizens who are not able to visit a U.S. embassy or consular office are forced to pay high fees for notarization or witnessing services in order to participate in the balloting process.

Sample Language (suggested if notarization/witness is required for local or in-state absentee ballot)

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Alabama 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Alabama's use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. **Sixteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. **Fifty** states allow electronic transmission of at least part of the absentee voting process. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alabama's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of

Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that Alabama **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have

never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

State Special Write-In Absentee Ballot

We recommend Alabama provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB.

However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee

ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alabama money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Elimination of Witness/Notary Requirement

Alabama absentee ballot return envelope contains an affidavit which must be sworn to before a commissioned officer, notary or other person authorized to administer oaths, or two witnesses (18 years or older). We recommend that **Alabama eliminate the requirement for voting materials to be notarized or witnessed for uniformed service members and overseas citizens**. While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and/or overseas voters in order to return a voted ballot. Additionally, many overseas citizens who are not able to visit a U.S. embassy or consular office are forced to pay high fees for notarization or witnessing services in order to participate in the balloting process.

Sample Language (suggested if notarization/witness is required for local or in-state absentee ballot)

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Alaska 2007 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alaska's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alaska money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he

or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Elimination of Witness/Notary Requirement

Alaska requires that the signature on the voter's certificate on the ballot return envelope be witnessed, and signed and dated by the witness. We recommend that **Alaska eliminate the requirement for voting materials to be witnessed for uniformed service members and overseas citizens.** While such requirements may be appropriate for local or in-state absentee

balloting, they create an additional burden to the uniformed service and/or overseas voters in order to request an absentee ballot and/or to return a voted ballot.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot need not be notarized or witnessed in order to be counted.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Alaska accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

American Samoa 2007 Legislative Initiatives and Sample Language

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face American Samoa military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow the chief election officer more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that American Samoa allows the electronic transmission of the FPCA for registration and absentee ballot request. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The chief election officer may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that American Samoa's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current American Samoa election law requires that the FPCA must be sworn to by a person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Fifty states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S. or the Territories

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a citizen outside the Territory who has never lived in the Territory has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that American Samoa **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-nine states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend American Samoa provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from American Samoa in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these

elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.

The adoption of this initiative would save the territory money and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the territory;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.

Arizona 2007 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arizona military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arizona's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Arkansas 2007 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arkansas military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Arkansas enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and that registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballots.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arkansas's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Arkansas allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Arkansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the State money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 7-5-406 of the Arkansas Election Laws refers to the Overseas Citizens Voting Rights Act of 1975. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Arkansas **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

California 2007 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face California military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that California's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. Fifteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

December 13, 2006

The Honorable <<FIRST>> <<LAST>>
<<TITLE>>
<<ADDRESS1>>
<<ADDRESS2>>
<<CITY>>, <<ST>> <<ZIP>>

Dear <<INSIDE ADDRESS>>:

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as by phone or email or by allowing a proxy to request an absentee ballot on their behalf.

After reviewing <<STATE>>'s existing election code and procedures, I have identified <<NUMBER>> initiatives that the <<STATE>> legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for <<STATE>>'s citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are <<MIL>> Uniformed Services members, <<FAM>> family members and approximately <<OCITS>> overseas citizens that claim <<STATE>> as their voting residence.

As you review the enclosed initiatives for possible inclusion in <<STATE>>'s 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

Colorado 2007 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Colorado military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission of election materials has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We realize Colorado has enacted legislation that allows Uniformed Services members and overseas citizens to submit the FPCA, receive a blank ballot and return the voted ballot by fax. Colorado further permits Uniformed Services members serving outside the U.S. to submit the FPCA, receive a blank ballot and return the voted ballot by electronic mail. We encourage expanded use of this alternative to include the use of fax and electronic mail to all UOCAVA voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A County Clerk and Recorder may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Colorado **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-eight states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Connecticut 2007 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Connecticut military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize that Connecticut provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-three states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Connecticut enacted legislation to provide for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. However, voters using the FPCA to register are required to simultaneously mail the original, which must arrive by 5:00 p.m. on the day before the election for the ballot to be counted. The electronic transmission methodology is there to ensure the FPCA is received by the state's deadline. If the electronically transmitted FPCA for registration is not recognized until the mail version is received then the availability of electronic transmission is of no benefit to the voter. We realize the original FPCA should be mailed in all cases regardless, however we urge an extension to the acceptance deadline for the original FPCA when the voter has utilized the electronically transmitted option.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Connecticut's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Seventeen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We realize that Connecticut law allows recently discharged members of the military returning to the state too late to register during the regular registration period to register to vote up until 5:00 p.m. on the last weekday before an election. We recommend that **Connecticut allow persons recently separated from overseas employment, and their family members, to be able to register late or be exempt from registration**. Many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet the normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem.

Sample Language

A person who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Connecticut extend the availability of the state write-in absentee ballot to non-Uniformed Services overseas electors. The purpose of the state write-in absentee ballot is to **provide a method for voting by persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently thirteen states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Use of the Federal Write-In Absentee Ballot (FWAB)

The state of Connecticut is exempt from use of the Federal Write-In Absentee Ballot (FWAB) by Section 103 (f) in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These statements exempt states that make ballots available to military voters at least 90 days before the general election and as soon as the candidate list is available for other UOCAVA citizens.

The intent of the Federal Write-In Absentee Ballot (FWAB) is to aid the enfranchisement of U.S. citizens overseas wishing to vote for Federal Offices in general elections who make timely application for, but do not receive an absentee ballot.

The intent of the current Connecticut Special Write-In Absentee Ballot is to assist members of the military and their family members who are not able to follow the regular absentee ballot application procedure.

The Connecticut Special Write-In Absentee Ballot does not accommodate citizens who request a state absentee ballot in a timely manner and do not receive it in time to vote and return it to meet the state’s ballot deadline. The FWABs, which are prepositioned at military installations and U.S. Embassies and Consulates worldwide fulfill this purpose for all overseas U.S. citizens except those whose legal residence is Connecticut.

We recommend that **Connecticut allow overseas UOCAVA citizens who have requested a state absentee ballot in a timely manner and not received it in time to vote and return it to meet the state’s ballot deadline be allowed to use the Federal Write-In Absentee Ballot.**

Sample Language

The Federal Write-In Absentee Ballot (FWAB) will be accepted from uniformed services and overseas voters who make timely application for, and do not receive a regular absentee ballot. The following rules shall apply with respect to the FWAB:

(1) In completing the ballot, the overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of the political party (in which case the ballots shall be counted for the candidate of that political party).

(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of the political party shall be counted as a vote for the electors supporting the candidate involved.

(3) Any abbreviation, misspelling, or other minor variation in the spelling of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

District of Columbia 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize the District of Columbia allows electronic transmission of the FPCA for registration and absentee ballot request and permits faxing of the absentee ballot when military service prevents the voter from receiving and returning the voted ballot. However, we encourage you to expand the use of this alternative to include electronic transmission of the blank and voted ballots for all military and overseas citizens, electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate these alternatives.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Late Registration Procedures

We recommend that the District of Columbia **allow persons recently separated from the Uniformed Services or overseas employment and their family members to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in the District of Columbia just prior to an election. This time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and registration requirements combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend that the District of Columbia provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal timeframe.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently, the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the District's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter resides outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the jurisdiction;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in the U.S., they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **the District of Columbia accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a [uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Delaware 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process. We realize Delaware has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for electronically sending the ballot to the voter and accepting the voted ballot from the voter.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Delaware's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief

Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Florida 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Although Florida passed legislation allowing the electronic transmission of the blank ballot and receipt of the voted ballot by overseas U.S. citizens, we encourage you to expand the use of this alternative. We request that Florida allow election officials to electronically send the blank ballot and accept the voted ballot electronically from military voters **in the U.S.**, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate this alternative.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors via electronic transmission.

State Write-In Absentee Ballot

We recommend that Florida provide a state write-in absentee ballot for **all elections**. We commend you for passing legislation that allowed for a state write-in ballot for general elections. However, we request that you expand this to all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame for all elections**. Thus, a voter would know that they could exercise their right to vote for all Florida elections, not just one. We encourage you to include this in your next legislative package.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently thirteen states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently in Florida, the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Georgia 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Georgia enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and the registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Georgia's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or

unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Georgia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is repositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission**

of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if: taneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Georgia **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.**

Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

December 18, 2006

The Honorable Kaleo Moylan
Lieutenant Governor
PO Box 2950
Agana, GU 96910

Dear Lieutenant Governor Moylan,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Guam's existing election code and procedures, I have identified eight initiatives that the Guam legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Guam's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 2,829 Uniformed Services members, 2,122 family members and approximately many overseas citizens that claim Guam as their voting residence.

As you review the enclosed initiatives for possible inclusion in Guam's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:

2007 Legislative Initiatives and Suggested Wording

Guam 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration and ballot request, sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Guam's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special

procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Guam election law requires that the ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Fifty states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that **Guam allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-nine states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Guam Election Code

The Guam Election Code refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the Guam election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the Guam Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Special Write-In Absentee Ballot

We also recommend Guam provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a special write-in

absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from Guam in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state or territory does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if

- (1) the information submitted complied with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.*

Guam 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration and ballot request, sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Guam's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components

of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Guam election law requires that the ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. **We recommend removal of the notary requirement for all absentee balloting materials.** Fifty states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that **Guam allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-nine states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Guam Election Code

The Guam Election Code refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the Guam election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the Guam Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Special Write-In Absentee Ballot

We also recommend Guam provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as**

those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from Guam in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state or territory does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if

- (1) the information submitted complied with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.

Hawaii 2007 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Hawaii military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-three** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Hawaii allow persons recently separated from the Uniformed Services, the merchant marine, or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Although Hawaii Revised Statute Section 15-3 states "...any former registered voter of Hawaii may vote an absentee ballot in any presidential election occurring within twenty-four months after leaving Hawaii...", This statute does not cover members of the Uniformed Services, the merchant marine, or citizens employed overseas, and family members that have been away for over 24 months. Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. A special late registration procedure for these circumstances would solve this problem. **Twenty-nine** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. While Hawaii offers electronic transmission of election materials, the fact remains that by **expanding the use of the FWAB to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Hawaii money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

State Special Write-In Absentee Ballot

We also recommend Hawaii provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the

state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Idaho 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country whom may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Idaho allows for the electronic transmission of the Federal Post Card Application (FPCA) for absentee ballot request, and for transmission of a blank ballot in certain emergency situations. We recommend expanded use of this alternative to include electronic transmission of the FPCA request for registration as well as electronic transmission of the blank ballot to the voter and acceptance of the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Idaho's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Idaho **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Eighteen states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Idaho provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the State in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the State. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently thirteen states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens**

be allowed to vote in elections for Federal offices where either parent is eligible to vote under the UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

December 18, 2006

Mr. Daniel White
Executive Director
State Board of Elections
1020 S Spring Street
Springfield, IL 62708

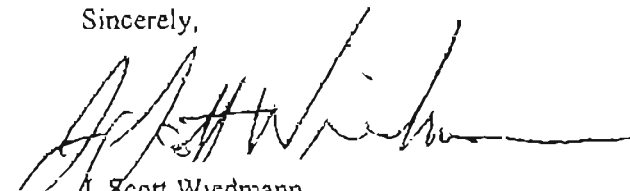
Dear Mr. White,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Illinois's existing election code and procedures, I have identified nine initiatives that the Illinois legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Illinois's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 57,215 Uniformed Services members, 42,911 family members and approximately 152,855 overseas citizens that claim Illinois as their voting residence.

As you review the enclosed initiatives for possible inclusion in Illinois's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*--let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

Illinois 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Illinois enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for ballot requests by members of the Armed Forces. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise them. **Sixteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Illinois' **State Board of Elections/Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their

right to vote. The State Board of Elections/Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission or fax. As an example, in light of the surge of Guard and Reserve forces being deployed, the State Board of Elections/Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The State Board of Elections/Chief Election Official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The State Board of Elections/Chief Election Official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the State Board of Elections/Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The State Board of Elections/Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expansion of Late Registration Procedures

Illinois currently allows members of the Armed Forces or merchant marine, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Illinois expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's 30-day residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

An individual or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Application for Ballot by Proxy to Overseas Citizens

Currently, Illinois allows spouses, and other family members, to use a special application provided by the local election official to request that an absentee ballot be mailed to members of the Uniformed Services. **We recommend this option be expanded to allow spouses and other family members of overseas civilian citizens to request an absentee ballot be mailed to them.**

Sample Language

If a spouse, dependent, mother, father, sister or brother of a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is registered to vote in the same county as that citizen, he or she may request that an absentee ballot be mailed to that voter by completing a special application provided by the local election official.

State Special Write-In Absentee Ballot

We also recommend Illinois provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 10 of the Illinois Election Laws makes no reference to Federal law. In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which the Federal Voting Assistance Program administers. **Reference to the UOCAVA in the state election code** would help election officials and interested citizens find guidance to applicable federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Illinois money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

(3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Illinois accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Illinois 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Illinois enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for ballot requests by members of the Armed Forces. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise them. **Sixteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Illinois' **State Board of Elections/Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their

right to vote. The State Board of Elections/Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission or fax. As an example, in light of the surge of Guard and Reserve forces being deployed, the State Board of Elections/Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The State Board of Elections/Chief Election Official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The State Board of Elections/Chief Election Official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the State Board of Elections/Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The State Board of Elections/Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expansion of Late Registration Procedures

Illinois currently allows members of the Armed Forces or merchant marine, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Illinois expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's 30-day residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

An individual or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the

regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Application for Ballot by Proxy to Overseas Citizens

Currently, Illinois allows spouses, and other family members, to use a special application provided by the local election official to request that an absentee ballot be mailed to members of the Uniformed Services. **We recommend this option be expanded to allow spouses and other family members of overseas civilian citizens to request an absentee ballot be mailed to them.**

Sample Language

If a spouse, dependent, mother, father, sister or brother of a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is registered to vote in the same county as that citizen, he or she may request that an absentee ballot be mailed to that voter by completing a special application provided by the local election official.

State Special Write-In Absentee Ballot

We also recommend Illinois provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB

was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 10 of the Illinois Election Laws makes no reference to Federal law. In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which the Federal Voting Assistance Program administers. **Reference to the UOCAVA in the state election code** would help election officials and interested citizens find guidance to applicable federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions

allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Illinois money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Illinois accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Indiana 2007 Legislative Initiatives and Sample Language

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Iowa 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Iowa enacted legislation to provide for electronic transmission of the Federal Post Card Application request for registration and an absentee ballot. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. The following sample language would allow for these procedures.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We understand Iowa currently allows discharged military personnel to register late. **We encourage expanding this option to their family members and overseas citizens who may go through a transition period when they first leave the Uniformed Services or**

overseas employment and may reside in your state just prior to an election. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home after active duty or employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Iowa **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Kansas 2007 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kansas' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Kansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff**

elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and runoff elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Kentucky 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Kentucky enacted legislation, which provides for the electronic transmission of the Federal Post Card Application (FPCA) for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic

transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kentucky's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 117 of the Kentucky Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that **Kentucky allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-nine states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Kentucky provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently thirteen states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information

requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Louisiana 2007 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem, which continues to face Louisiana military and overseas voters, is the extremely short period of time these voters have to receive, vote, and return their absentee ballots **for non-Presidential elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-two** states currently have a 45-day transit time for other elections **in addition to presidential elections**.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Louisiana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. **Seventeen** states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Uniformed Services, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Louisiana allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Special Write-In Absentee Ballot

We also recommend Louisiana provide a state write-in absentee ballot for all elections, not only for the General election. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **Thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these

elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.

Elimination of Witness/Notary Requirement

Louisiana requires that the ballot return envelope Certificate be signed in the presence of two witnesses. These witnesses must also sign the envelope. We recommend that **Louisiana eliminate the requirement for voting materials to be witnessed for uniformed service members and overseas citizens**. While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and overseas voters in order to return a voted ballot.

Sample Language (suggested if witnesses are required for local or in-state absentee ballot)

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for the absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Maine 2007 Legislative Initiatives and Sample Language

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face Maine military and overseas voters is the short period of time these voters have to receive, vote, and return their absentee ballots for **non-Federal elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. However, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Maine has enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) request for registration and ballot. We recommend expanded use of this alternative to include electronically sending the ballot to these voters, and

accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Maine's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Maine **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help

ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections.

Maryland 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Maryland has done an exceptional job passing legislation on behalf of UOCAVA voters regarding electronic transmission of election materials. However, we request your consideration again to make further changes in Maryland law/administrative procedures that would include the faxing of the voted ballot for all UOCAVA absentee voters and of the FPCA for registration purposes. We realize that Maryland allows faxing of the FPCA for an absentee ballot request and now the unvoted ballot and that Maryland law prohibits electronic facsimile if the document requires a signed affidavit. However, we encourage expansion of this alternative to include electronic transmission of the FPCA for registration (since we instruct voters to submit the original, signed FPCA after faxing and the FPCA form is a simultaneous request for registration and request for absentee ballot) and acceptance of the voted ballot electronically from the voter (signature already on file) where circumstances would otherwise disenfranchise a citizen. The sample language below accommodates these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local board of elections may receive FPCAs for registration, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

Although the Maryland General Assembly deleted the late registration provision from Maryland law, we never-the-less encourage you to recommend that Maryland reinstate procedures **to allow persons recently separated from the Uniformed Services and their family members to be able to register late (or be exempt from registration)**. Previously, honorably discharged military personnel and their spouses and dependents could still vote absentee if a Federal Post Card Application arrived not later than 8 p.m. on election day. Additionally, we recommend that Maryland expand this procedure **to allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**.

Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Eighteen** states now allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

Although Maryland provides ample time for transit of ballots under normal circumstances, especially with late counting, we continue to recommend that Maryland provide a state write-in absentee ballot for all elections as a means to vote in case there are delays in mailing and returning absentee ballots. Again, the main purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently thirteen states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

We appreciate the action taken by the Maryland State Board of Elections to allow overseas voters to cast votes for state and local offices in primary and special Federal elections using the Federal Write-In Absentee Ballot (FWAB). Since this ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership, many overseas citizens have access to it and would not be disenfranchised because their regular ballots were not received in a timely manner.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA. To address your concerns about lack of control over the process, the citizen must provide a valid Maryland residence address and sign the FPCA attesting that he/she is a U.S. citizen and is not voting in any other jurisdiction.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Maryland **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Massachusetts 2007 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Massachusetts military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. The fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Massachusetts provides 45-day transit time for Primary elections (35 days before election and 10 days extended counting after election). However, expanding this provision to **all elections** would help ensure enfranchisement. **Forty-one** states now allow 45-day ballot transit time for general elections.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Massachusetts has enacted legislation allowing citizens to send the Federal Post Card Application (FPCA) via electronic transmission. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot via electronic transmission from these voters where circumstances would otherwise disenfranchise them. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Massachusetts' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

State Special Write-In Absentee Ballot

We also recommend Massachusetts provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. We realize Massachusetts provides a special write-in absentee ballot if the local election official does not have the regular state ballot available for mailing. However, expanding this provision by making this ballot available upon request by UOCAVA citizens and expanding its use for all elections would help ensure enfranchisement. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector

cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for local, state and Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information

requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Massachusetts money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

Massachusetts requires that voted ballots from Military members and U.S. citizens overseas be postmarked. We recommend that **Massachusetts accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

December 18, 2006

The Honorable Betty Ireland
Secretary of State
1900 Kanawha Boulevard East
Building 1, Suite 157K
Charleston, WV 25305

Dear Secretary Ireland,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing West Virginia's existing election code and procedures, I have identified five initiatives that the West Virginia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for West Virginia's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 10,782 Uniformed Services members, 8,086 family members and approximately 24,135 overseas citizens that claim West Virginia as their voting residence.

As you review the enclosed initiatives for possible inclusion in West Virginia's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

Mr. Dwayne Yoshina
Chief Elections Officer
Office of Elections
802 Lehua Avenue
Pearl City, HI 96782

Dear Mr. Yoshina,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Hawaii's existing election code and procedures, I have identified four initiatives that the Hawaii legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Hawaii's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 5,341 Uniformed Services members, 4,005 family members and approximately 16,090 overseas citizens that claim Hawaii as their voting residence.

As you review the enclosed initiatives for possible inclusion in Hawaii's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Jay Dardenne
Secretary of State
Office of the Secretary of State
P.O. Box 94125
Baton Rouge, LA 70804-9125

Dear Secretary Dardenne,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Louisiana's existing election code and procedures, I have identified seven initiatives that the Louisiana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Louisiana's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 19,935 Uniformed Services members, 14,951 family members and approximately 56,315 overseas citizens that claim Louisiana as their voting residence.

As you review the enclosed initiatives for possible inclusion in Louisiana's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Matthew Dunlap
Secretary of State
Office of the Secretary of State
Nash Building, Station #148
Augusta, ME 04333-0148

Dear Secretary Dunlap,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Maine's existing election code and procedures, I have identified seven initiatives that the Maine legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Maine's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 5,447 Uniformed Services members, 4,085 family members and approximately 16,090 overseas citizens that claim Maine as their voting residence.

As you review the enclosed initiatives for possible inclusion in Maine's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

Ms. Linda H. Lamone
Administrator
State Board of Elections
P.O. Box 6486
Annapolis, MD 21401-0486

Dear Ms. Lamone,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Maryland's existing election code and procedures, I have identified six initiatives that the Maryland legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Maryland's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 17,379 Uniformed Services members, 13,034 family members and approximately 64,360 overseas citizens that claim Maryland as their voting residence.

As you review the enclosed initiatives for possible inclusion in Maryland's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable William F. Galvin
Secretary of the Commonwealth
State House, Room 337
Boston, MA 02133

Dear Secretary Galvin,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Massachusetts's existing election code and procedures, I have identified seven initiatives that the Massachusetts legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Massachusetts's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 11,149 Uniformed Services members, 8,361 family members and approximately 80,450 overseas citizens that claim Massachusetts as their voting residence.

As you review the enclosed initiatives for possible inclusion in Massachusetts's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Terri Lynn Land
Secretary of State
Treasury Building, 1st Floor
430 W. Allegan Street
Lansing, MI 48918-9900

Dear Secretary Land,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Michigan's existing election code and procedures, I have identified six initiatives that the Michigan legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Michigan's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 43,876 Uniformed Services members, 32,907 family members and approximately 120,675 overseas citizens that claim Michigan as their voting residence.

As you review the enclosed initiatives for possible inclusion in Michigan's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Mary Kiffmeyer
Secretary of State
180 State Office Building
St. Paul, MN 55155-1299

Dear Secretary Kiffmeyer,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Minnesota's existing election code and procedures, I have identified seven initiatives that the Minnesota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Minnesota's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 12,147 Uniformed Services members, 9,110 family members and approximately 64,360 overseas citizens that claim Minnesota as their voting residence.

As you review the enclosed initiatives for possible inclusion in Minnesota's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Eric Clark
Secretary of State
P.O. Box 136
Jackson, MS 39205

Dear Secretary Clark,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Mississippi's existing election code and procedures, I have identified eight initiatives that the Mississippi legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Mississippi's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 12,019 Uniformed Services members, 9,014 family members and approximately 32,180 overseas citizens that claim Mississippi as their voting residence.

As you review the enclosed initiatives for possible inclusion in Mississippi's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Robin Carnahan
Secretary of State
208 State Capitol
PO Box 778
Jefferson City, MO 65102

Dear Secretary Carnahan,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Missouri's existing election code and procedures, I have identified four initiatives that the Missouri legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Missouri's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 25,046 Uniformed Services members, 18,784 family members and approximately 72,405 overseas citizens that claim Missouri as their voting residence.

As you review the enclosed initiatives for possible inclusion in Missouri's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Brad Johnson
Secretary of State
State Capitol, Room 260
PO Box 202801
Helena, MT 59620-2801

Dear Secretary Johnson,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Montana's existing election code and procedures, I have identified four initiatives that the Montana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Montana's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 9,326 Uniformed Services members, 6,994 family members and approximately 8,045 overseas citizens that claim Montana as their voting residence.

As you review the enclosed initiatives for possible inclusion in Montana's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable John Gale
Secretary of State
State Capitol, Suite 2300
P.O. Box 94608
Lincoln, NE 68509-4608

Dear Secretary Gale,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Nebraska's existing election code and procedures, I have identified one initiative that the Nebraska legislature might consider during the upcoming legislative session. This initiative is discussed in detail with suggested wording in the enclosed legislative initiatives document. If this initiative is enacted and signed into law, it would significantly help to facilitate the absentee voting process for Nebraska's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 6,831 Uniformed Services members, 5,123 family members and approximately 24,135 overseas citizens that claim Nebraska as their voting residence.

As you review the enclosed initiative for possible inclusion in Nebraska's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

January 11, 2007

The Honorable Dean Heller
Secretary of State
101 North Carson Street, Suite 3
Carson City, NV 89701

Dear Secretary Heller,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Nevada's existing election code and procedures, I have identified six initiatives that the Nevada legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Nevada's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 15,573 Uniformed Services members, 11,679 family members and approximately 24,135 overseas citizens that claim Nevada as their voting residence.

As you review the enclosed initiatives for possible inclusion in Nevada's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable William M. Gardner
Secretary of State
Office of the Secretary of State
State House, Room 204
Concord, NH 03301

Dear Secretary Gardner,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New Hampshire's existing election code and procedures, I have identified six initiatives that the New Hampshire legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Hampshire's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 8,938 Uniformed Services members, 6,703 family members and approximately 16,090 overseas citizens that claim New Hampshire as their voting residence.

As you review the enclosed initiatives for possible inclusion in New Hampshire's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Stuart Rabner
Attorney General
Richard J. Hughes - Justice Complex
25 Market Street, CN 080
Trenton, NJ 08625-0300

Dear Attorney General Rabner,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New Jersey's existing election code and procedures, I have identified six initiatives that the New Jersey legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Jersey's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 23,989 Uniformed Services members, 17,991 family members and approximately 104,585 overseas citizens that claim New Jersey as their voting residence.

As you review the enclosed initiatives for possible inclusion in New Jersey's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Rebecca Vigil-Giron
Secretary of State
325 Don Gasper, Suite 300
Capitol Annex
Santa Fe, NM 87503

Dear Secretary Vigil-Giron,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New Mexico's existing election code and procedures, I have identified four initiatives that the New Mexico legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Mexico's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 9,170 Uniformed Services members, 6,877 family members and approximately 24,135 overseas citizens that claim New Mexico as their voting residence.

As you review the enclosed initiatives for possible inclusion in New Mexico's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

Mr. Peter S. Kosinski
Deputy Executive Director
State Board of Elections
40 Steuben Street
Albany, NY 12207-2109

Dear Mr. Kosinski,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New York's existing election code and procedures, I have identified eight initiatives that the New York legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New York's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 64,929 Uniformed Services members, 48,696 family members and approximately 233,305 overseas citizens that claim New York as their voting residence.

As you review the enclosed initiatives for possible inclusion in New York's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

Mr. Gary O. Bartlett
Executive Director
P.O. Box 27255
Raleigh, NC 27611-7255

Dear Mr. Bartlett,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing North Carolina's existing election code and procedures, I have identified six initiatives that the North Carolina legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for North Carolina's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 29,907 Uniformed Services members, 22,430 family members and approximately 104,585 overseas citizens that claim North Carolina as their voting residence.

As you review the enclosed initiatives for possible inclusion in North Carolina's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Alvin Jaeger
Secretary of State
Office of the Secretary of State
600 East Boulevard, Department 108
Bismarck, ND 58505-0500

Dear Secretary Jaeger,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing North Dakota's existing election code and procedures, I have identified four initiatives that the North Dakota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for North Dakota's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 3,380 Uniformed Services members, 2,535 family members and approximately 8,045 overseas citizens that claim North Dakota as their voting residence.

As you review the enclosed initiatives for possible inclusion in North Dakota's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable J. Kenneth Blackwell
Secretary of State
180 E. Broad Street
Columbus, OH 43215

Dear Secretary Blackwell,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Ohio's existing election code and procedures, I have identified seven initiatives that the Ohio legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Ohio's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 40,250 Uniformed Services members, 30,187 family members and approximately 144,810 overseas citizens that claim Ohio as their voting residence.

As you review the enclosed initiatives for possible inclusion in Ohio's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

Ms. Glo Henley
Chair
State Election Board
P.O. Box 53156
Oklahoma City, OK 73152

Dear Ms. Henley,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Oklahoma's existing election code and procedures, I have identified two initiatives that the Oklahoma legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Oklahoma's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 14,396 Uniformed Services members, 10,797 family members and approximately 40,225 overseas citizens that claim Oklahoma as their voting residence.

As you review the enclosed initiatives for possible inclusion in Oklahoma's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Bill Bradbury
Secretary of State
136 State Capitol Building
Salem, OR 97310-0722

Dear Secretary Bradbury,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Oregon's existing election code and procedures, I have identified six initiatives that the Oregon legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Oregon's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 19,448 Uniformed Services members, 14,586 family members and approximately 40,225 overseas citizens that claim Oregon as their voting residence.

As you review the enclosed initiatives for possible inclusion in Oregon's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Pedro Cortes
Secretary of the Commonwealth
302 North Office Building
Harrisburg, PA 17120-0029

Dear Secretary Cortes,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Pennsylvania's existing election code and procedures, I have identified five initiatives that the Pennsylvania legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Pennsylvania's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 56,143 Uniformed Services members, 42,107 family members and approximately 152,855 overseas citizens that claim Pennsylvania as their voting residence.

As you review the enclosed initiatives for possible inclusion in Pennsylvania's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Matthew A. Brown
Secretary of State
Room 217, State House
Providence, RI 02903

Dear Secretary Brown,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Rhode Island's existing election code and procedures, I have identified three initiatives that the Rhode Island legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Rhode Island's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 2,627 Uniformed Services members, 1,970 family members and approximately 16,090 overseas citizens that claim Rhode Island as their voting residence.

As you review the enclosed initiatives for possible inclusion in Rhode Island's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

Ms. Marci Andino
Executive Director
State Election Commission
PO Box 5987
Columbia, SC 29250-5987

Dear Ms. Andino,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide

After reviewing South Carolina's existing election code and procedures, I have identified three initiatives that the South Carolina legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for South Carolina's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 18,493 Uniformed Services members, 13,869 family members and approximately 48,270 overseas citizens that claim South Carolina as their voting residence.

As you review the enclosed initiatives for possible inclusion in South Carolina's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Chris Nelson
Secretary of State
500 E Capitol Building, Suite 204
Pierre, SD 57501-5070

Dear Secretary Nelson,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing South Dakota's existing election code and procedures, I have identified six initiatives that the South Dakota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for South Dakota's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 8,759 Uniformed Services members, 6,569 family members and approximately 8,045 overseas citizens that claim South Dakota as their voting residence.

As you review the enclosed initiatives for possible inclusion in South Dakota's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Riley C. Darnell
Secretary of State
State Capitol
Nashville, TN 37243

Dear Secretary Darnell,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Tennessee's existing election code and procedures, I have identified five initiatives that the Tennessee legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Tennessee's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 43,604 Uniformed Services members, 32,703 family members and approximately 72,405 overseas citizens that claim Tennessee as their voting residence.

As you review the enclosed initiatives for possible inclusion in Tennessee's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Roger Williams
Secretary of State
P. O. Box 12887
Austin, TX 78711-2887

Dear Secretary Williams,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Texas's existing election code and procedures, I have identified six initiatives that the Texas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Texas's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 227,395 Uniformed Services members, 170,546 family members and approximately 257,440 overseas citizens that claim Texas as their voting residence.

As you review the enclosed initiatives for possible inclusion in Texas's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Deborah Markowitz
Secretary of State
26 Terrace Street, Drawer 9
Montpelier, VT 05609-1101

Dear Secretary Markowitz,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Vermont's existing election code and procedures, I have identified nine initiatives that the Vermont legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Vermont's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 3,016 Uniformed Services members, 2,262 family members and approximately 8,045 overseas citizens that claim Vermont as their voting residence.

As you review the enclosed initiatives for possible inclusion in Vermont's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

Ms. Jean Jensen
Secretary, State Board of Elections
200 N. 9th St., Ste. 101
Richmond, VA 23219-3497

Dear Ms. Jensen,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Virginia's existing election code and procedures, I have identified four initiatives that the Virginia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Virginia's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 34,774 Uniformed Services members, 32,430 family members and approximately 88,495 overseas citizens that claim Virginia as their voting residence.

As you review the enclosed initiatives for possible inclusion in Virginia's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Sam Reed
Secretary of State
Legislative Building, 2nd Floor
P.O. Box 40220
Olympia, WA 98504-0220

Dear Secretary Reed,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Washington's existing election code and procedures, I have identified five initiatives that the Washington legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Washington's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 52,529 Uniformed Services members, 39,396 family members and approximately 72,405 overseas citizens that claim Washington as their voting residence.

As you review the enclosed initiatives for possible inclusion in Washington's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

Mr. Kevin J. Kennedy
Executive Director
P.O. Box 2973
17 West Main Street, Suite 310
Madison, WI 53701-2973

Dear Mr. Kennedy,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Wisconsin's existing election code and procedures, I have identified six initiatives that the Wisconsin legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Wisconsin's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 14,357 Uniformed Services members, 10,767 family members and approximately 64,360 overseas citizens that claim Wisconsin as their voting residence.

As you review the enclosed initiatives for possible inclusion in Wisconsin's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Joseph B. Meyer
Secretary of State
Office of the Secretary of State
State Capitol Building
Cheyenne, WY 82002-0020

Dear Secretary Meyer,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Wyoming's existing election code and procedures, I have identified five initiatives that the Wyoming legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Wyoming's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 6,235 Uniformed Services members, 4,676 family members and approximately 8,045 overseas citizens that claim Wyoming as their voting residence.

As you review the enclosed initiatives for possible inclusion in Wyoming's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

Mr. Soliai T. Fuimaono
Chief Election Officer
PO Box 3970
Pago Pago, AS 96799-3970

Dear Mr. Fuimaono,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing American Somoa's existing election code and procedures, I have identified eight initiatives that the American Somoa legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for American Somoa's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 523 Uniformed Services members, 392 family members and many overseas citizens that claim American Somoa as their voting residence.

As you review the enclosed initiatives for possible inclusion in American Somoa's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Patricia Elwood
Secretary of the District of Columbia
1350 Pennsylvania Avenue, NW, Room 419
Washington, DC 20004

Dear Secretary Elwood,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Washington, D.C.'s existing election code and procedures, I have identified six initiatives that the Washington, D.C. legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Washington, D.C.'s citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 956 Uniformed Services members, 717 family members and many overseas citizens that claim Washington, D.C. as their voting residence.

As you review the enclosed initiatives for possible inclusion in Washington, D.C.'s 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Kaleo Moylan
Lieutenant Governor
PO Box 2950
Agana, GU 96910

Dear Lieutenant Governor Moylan,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Guam's existing election code and procedures, I have identified eight initiatives that the Guam legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Guam's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 2,829 Uniformed Services members, 2,122 family members and approximately many overseas citizens that claim Guam as their voting residence.

As you review the enclosed initiatives for possible inclusion in Guam's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

Mr. Aurelio Gracia Morales
President
State Elections Commission
P.O. Box 195552
San Juan, PR 00919-5552

Dear Mr. Gracia Morales,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Puerto Rico's existing election code and procedures, I have identified nine initiatives that the Puerto Rico legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Puerto Rico's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 5,897 Uniformed Services members, 4,422 family members and many overseas citizens that claim Puerto Rico as their voting residence.

As you review the enclosed initiatives for possible inclusion in Puerto Rico's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Vargrave A. Richards
Lieutenant Governor
Office of the Lieutenant Governor
1105 King St.
Christiansted
St. Croix, VI 00820

Dear Lieutenant Governor Richards,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Virgin Islands's existing election code and procedures, I have identified five initiatives that the Virgin Islands legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Virgin Islands's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 318 Uniformed Services members, 239 family members and many overseas citizens that claim Virgin Islands as their voting residence.

As you review the enclosed initiatives for possible inclusion in Virgin Islands's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Nancy L. Worley
Secretary of State
State Capitol, Room S-105
600 Dexter Avenue
Montgomery, AL 36104

Dear Secretary Worley,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Alabama's existing election code and procedures, I have identified seven initiatives that the Alabama legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Alabama's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 19,029 Uniformed Services members, 27,209 family members and approximately 56,315 overseas citizens that claim Alabama as their voting residence.

As you review the enclosed initiatives for possible inclusion in Alabama's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Sean Parnell
Lieutenant Governor
P.O. Box 110017
Juneau, AK 99811-0017

Dear Lieutenant Governor Parnell,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as by phone, and utilizing digital signatures with electronically transmitted materials.

After reviewing Alaska's existing election code and procedures, I have identified six initiatives that the Alaska legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Alaska's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 36,279 Uniformed Services members, 27,209 family members and approximately 8,045 overseas citizens that claim Alaska as their voting residence.

As you review the enclosed initiatives for possible inclusion in Alaska's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Jan Brewer
Secretary of State
State Capitol, 7th Floor
1700 W. Washington
Phoenix, AZ 85007-2808

Dear Secretary Brewer,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Arizona's existing election code and procedures, I have identified three initiatives that the Arizona legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Arizona's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 21,131 Uniformed Services members, 15,848 family members and approximately 64,360 overseas citizens that claim Arizona as their voting residence.

As you review the enclosed initiatives for possible inclusion in Arizona's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Charlie Daniels
Secretary of State
256 State Capitol Building
Little Rock, AR 72201

Dear Secretary Daniels,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Arkansas's existing election code and procedures, I have identified nine initiatives that the Arkansas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Arkansas's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 10,586 Uniformed Services members, 7,939 family members and approximately 32,180 overseas citizens that claim Arkansas as their voting residence.

As you review the enclosed initiatives for possible inclusion in Arkansas's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Bruce McPherson
Secretary of State
1500 11th Street
Sacramento, CA 95814-2974

Dear Secretary McPherson,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing California's existing election code and procedures, I have identified four initiatives that the California legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for California's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 133,654 Uniformed Services members, 100,240 family members and approximately 426,385 overseas citizens that claim California as their voting residence.

As you review the enclosed initiatives for possible inclusion in California's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Gigi Dennis
Secretary of State
1700 Broadway, Suite 200
Denver, CO 80290

Dear Secretary Dennis,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Colorado's existing election code and procedures, I have identified four initiatives that the Colorado legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Colorado's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 17,362 Uniformed Services members, 13,021 family members and approximately 56,315 overseas citizens that claim Colorado as their voting residence.

As you review the enclosed initiatives for possible inclusion in Colorado's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Susan Bysiewicz
Secretary of State
Office of the Secretary of State
State Capitol, Room 104
Hartford, CT 06106

Dear Secretary Bysiewicz,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Connecticut's existing election code and procedures, I have identified seven initiatives that the Connecticut legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Connecticut's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 9,335 Uniformed Services members, 7,001 family members and approximately 40,225 overseas citizens that claim Connecticut as their voting residence.

As you review the enclosed initiatives for possible inclusion in Connecticut's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Sue M. Cobb
Secretary of State
R.A. Gray Building
500 S. Bronough
Tallahassee, FL 32399-0250

Dear Secretary Cobb,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide.

After reviewing Florida's existing election code and procedures, I have identified four initiatives that the Florida legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Florida's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 198,245 Uniformed Services members, 148,683 family members and approximately 201,125 overseas citizens that claim Florida as their voting residence.

As you review the enclosed initiatives for possible inclusion in Florida's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Cathy Cox
Secretary of State
State Capitol, Room 214
Atlanta, GA 30334

Dear Secretary Cox,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Georgia's existing election code and procedures, I have identified five initiatives that the Georgia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Georgia's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 32,255 Uniformed Services members, 24,191 family members and approximately 104,585 overseas citizens that claim Georgia as their voting residence.

As you review the enclosed initiatives for possible inclusion in Georgia's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Ben Ysursa
Secretary of State
State Capitol, Room 203
Boise, ID 83720-0080

Dear Secretary Ysursa,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Idaho's existing election code and procedures, I have identified six initiatives that the Idaho legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Idaho's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 8,838 Uniformed Services members, 6,628 family members and approximately 16,090 overseas citizens that claim Idaho as their voting residence.

As you review the enclosed initiatives for possible inclusion in Idaho's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

Mr. Daniel White
Executive Director
State Board of Elections
1020 S Spring Street
Springfield, IL 62708

Dear Mr. White,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Illinois's existing election code and procedures, I have identified nine initiatives that the Illinois legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Illinois's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 57,215 Uniformed Services members, 42,911 family members and approximately 152,855 overseas citizens that claim Illinois as their voting residence.

As you review the enclosed initiatives for possible inclusion in Illinois's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Todd Rokita
Secretary of State
Office of the Secretary of State
201 State House
Indianapolis, IN 46204

Dear Secretary Rokita,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Indiana's existing election code and procedures, I have identified two initiatives that the Indiana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Indiana's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 17,833 Uniformed Services members, 13,374 family members and approximately 72,405 overseas citizens that claim Indiana as their voting residence.

As you review the enclosed initiatives for possible inclusion in Indiana's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Chet Culver
Secretary of State
Office of the Secretary of State
Lucas Building, 1st Floor
321 E 12th Street
Des Moines, IA 50319

Dear Secretary Culver,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Iowa's existing election code and procedures, I have identified three initiatives that the Iowa legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Iowa's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 8,715 Uniformed Services members, 6,536 family members and approximately 40,225 overseas citizens that claim Iowa as their voting residence.

As you review the enclosed initiatives for possible inclusion in Iowa's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Ron Thornburgh
Secretary of State
120 SW 10th Avenue
Memorial Hall, 1st Floor
Topeka, KS 66612-1594

Dear Secretary Thornburgh,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Kansas's existing election code and procedures, I have identified four initiatives that the Kansas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Kansas's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 10,050 Uniformed Services members, 7,537 family members and approximately 32,180 overseas citizens that claim Kansas as their voting residence.

As you review the enclosed initiatives for possible inclusion in Kansas's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Trey Grayson
Secretary of State
State Capitol, Room 150
700 Capitol Avenue
Frankfort, KY 40601-3493

Dear Secretary Grayson,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Kentucky's existing election code and procedures, I have identified seven initiatives that the Kentucky legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Kentucky's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 10,467 Uniformed Services members, 9,911 family members and approximately 48,270 overseas citizens that claim Kentucky as their voting residence.

As you review the enclosed initiatives for possible inclusion in Kentucky's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

The Honorable Gary R. Herbert
Lieutenant Governor
State Capitol Complex
Suite E-325
Salt Lake City, UT 84114-0607

Dear Lieutenant Governor Herbert,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Utah's existing election code and procedures, I have identified six initiatives that the Utah legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Utah's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 6,027 Uniformed Services members, 4,620 family members and approximately 24,135 overseas citizens that claim Utah as their voting residence.

As you review the enclosed initiatives for possible inclusion in Utah's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

December 18, 2006

Mr. Frank Calio
Commissioner of Elections
111 S. West Street, Suite 10
Dover, DE 19904

Dear Mr. Calio,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Delaware's existing election code and procedures, I have identified three initiatives that the Delaware legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Delaware's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 3,123 Uniformed Services members, 2,342 family members and approximately 8,045 overseas citizens that claim Delaware as their voting residence.

As you review the enclosed initiatives for possible inclusion in Delaware's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

Michigan 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the blank ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Elimination of Witness/Notary Requirement

Current Michigan election law requires that the FPCA used to register and request absentee ballots or to request absentee ballots only, must be sworn to before an official authorized to administer oaths if the requesters are Michigan residents temporarily residing outside the U.S. and unaffiliated with the U.S. Federal Government, or overseas citizens. We recommend that **Michigan eliminate the requirement for voting materials to be notarized for overseas citizens.** While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the overseas voters in order to register and request an absentee ballot. Additionally, many overseas citizens who are not able to visit a U.S. embassy or consular office are forced to pay high fees for notarization or witnessing services in order to participate in the balloting process. Since 1982 Michigan had eliminated the notary requirement for Uniformed Service members and their dependents. We strongly recommend action this legislative year to **remove the notary requirement for overseas citizens as well. Michigan is one of only three states and territories that have a notary requirement for the Federal Post Card Application for citizens outside the U.S.**

Sample Language (*suggested if notarization is required for local or in-state absentee ballot*)

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Michigan **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame

does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Special Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for **all elections**. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Michigan money and alleviate administrative responsibilities on the part of the local election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.*

Michigan 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the blank ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Elimination of Witness/Notary Requirement

Current Michigan election law requires that the FPCA used to register and request absentee ballots or to request absentee ballots only, must be sworn to before an official authorized to administer oaths if the requesters are Michigan residents temporarily residing outside the U.S. and unaffiliated with the U.S. Federal Government, or overseas citizens. We recommend that **Michigan eliminate the requirement for voting materials to be notarized for overseas citizens.** While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the overseas voters in order to register and request an absentee ballot. Additionally, many overseas citizens who are not able to visit a U.S. embassy or consular office are forced to pay high fees for notarization or witnessing services in order to participate in the balloting process. Since 1982 Michigan had eliminated the notary requirement for Uniformed Service members and their dependents. We strongly recommend action this legislative year to **remove the notary requirement for overseas citizens as well. Michigan is one of only three states and territories that have a notary requirement for the Federal Post Card Application for citizens outside the U.S.**

Sample Language (suggested if notarization is required for local or in-state absentee ballot)

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Michigan **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame

does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Special Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for **all elections**. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Michigan money and alleviate administrative responsibilities on the part of the local election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.

April 5, 2007

The Honorable Terri Lynn Land
Secretary of State
Treasury Building, 1st Floor
430 W. Allegan Street
Lansing, MI 48918-9900

Dear Secretary Land,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. **I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.**

After reviewing Michigan's existing election code and procedures, I have identified six initiatives that the Michigan legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Michigan's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 43,876 Uniformed Services members, 32,907 family members and approximately 120,675 overseas citizens that claim Michigan as their voting residence.

As you review the enclosed initiatives for possible inclusion in Michigan's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

Mississippi 2007 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that American Samoa's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Mississippi election law requires that the affidavit on the absentee ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Fifty states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Return of Voted Ballot by Close of Polls on Election Day

We notice Mississippi requires UOCAVA voters to return their voted ballot by 5:00 p.m. the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, the voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Mississippi accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 23, Section 23-15-677 of the Mississippi Election Laws refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that **Mississippi allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-nine states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Mississippi provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is

generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declarations as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Missouri 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Missouri enacted legislation allowing citizens to send the FPCA via electronic transmission when requesting an absentee ballot. We encourage expanded use of this alternative to include electronic transmission of the FPCA for ballot request and registration, electronically sending the ballot to the voter, and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Missouri Election Laws do not refer to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a Uniformed Service member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Montana 2007 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Montana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

We realize Montana mails absentee ballots approximately 30 days before primary elections for Federal office and approximately 45 days before general elections for Federal office. However, we recommend Montana mail absentee ballots at least 45 days before all elections. **Twenty-six** states now allow 45-day ballot transit time for all elections. **Forty-one** states allow 45-day ballot transit time for general elections.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Montana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

State Special Write-in Absentee Ballot

We also recommend that Montana provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas

citizens who have already applied for a regular absentee ballot from the state. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **Thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Nebraska 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Nebraska enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests and allows electronic transmission of the blank ballot to Uniformed Service members and civilians outside the United States. However, we recommend expanded use of this alternative to include electronically sending the blank ballot to all citizens covered by UOCAVA, and accepting the voted ballot from these citizens where circumstances would otherwise disenfranchise them. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Nevada 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised due to time and location constraints, by allowing them to cast a ballot when they would not otherwise have been able to vote.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process to include electronic transmission of the FPCA for registration by all citizens voting under the Uniformed and Overseas Citizens Absentee Voting Act, electronically sending the ballot to these citizens and accepting the voted ballot from these citizens where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Nevada's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Sixteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this

state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Nevada currently allows members of the Armed Forces, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Nevada expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the termination date of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home from employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. Twenty-nine states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Nevada provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to Uniformed Services voters and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the

FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

New Hampshire 2007 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New Hampshire military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, electronically sending the blank ballot to the voter and accepting the voted ballot from the

voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Hampshire's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Sixteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

New Jersey 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that New Jersey enacted legislation to provide for the electronic transmission of the FPCA for ballot request, the electronic receipt of the blank ballot by the voter, and accepting an overseas ballot by electronic means. We encourage expanded use of this alternative to accept electronic transmission of the FPCA for registration purposes and to include electronically accepting the voted ballot from the Uniformed Services voter who is out of the state, but not necessarily overseas, on election day where these circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, or a family member, and is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend New Jersey provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently thirteen states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Jersey's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Sixteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We realize that **New Jersey allows persons recently separated from the Uniformed Services and their family members as well as civilians attached to or serving with the Uniformed Services to register late and obtain an emergency voting form.** We recommend this option be expanded to civilian citizens returning to New Jersey after overseas employment. Many of these citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Eighteen states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for

registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

New Mexico 2007 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that New Mexico **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-eight states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend New Mexico provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 13 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,**

citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

New York 2007 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New York military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. This is why it is necessary to allow a minimum of 45 days transit time for absentee ballots.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints. Currently, fifty states and territories allow electronic transmission of election materials.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We enlist your support once again this year in developing the **acceptance of electronic transmission for all parts of the process**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider using modern technology in the absentee voting process. We encourage the use of this alternative to include the **electronic transmission of the FPCA for registration and ballot request, the blank ballot to the voter, and the voted ballot from the voter** where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A county board of elections official may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that New York's **Chief Election Official (CEO) have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The CEO and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **New York allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States,

too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that New York provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to Uniformed Services voters and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently thirteen states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas

Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the New York election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the New York Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that New York **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

North Carolina 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of Uniformed Services members and overseas citizens who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Please consider expanding the use of modern technology to overseas citizens. We realize that North Carolina allows the submission of the Federal Post Card Application for registration and absentee ballot request by overseas citizens. However, this should be extended to allow electronic transmission of the blank and voted ballot to these citizens from your state as you have done for Uniformed Services members. Thus, we strongly encourage expanded use of this alternative to include the electronic transmission of the blank ballot to **all** UOCAVA voters and the acceptance of the voted ballot from **all** UOCAVA citizens where circumstances would otherwise disenfranchise them. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

State Special Write-In Absentee Ballot

We recommend that North Carolina provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a

regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save North Carolina money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.

Expansion of Late Registration Procedures

We realize that North Carolina currently **allows persons recently separated from the Armed Forces to register and vote in person up to and including election day**. We recommend expanding this option to Uniformed Services family members and to citizens returning from overseas employment. Many of these citizens go through a transition period and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen.

Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Elimination of Witness/Notary Requirement

North Carolina requires that the certificate on the ballot return envelope be witnessed by two persons 18 years of age or older. Witnesses must provide their signatures and addresses. We recommend that **North Carolina eliminate the requirement for voting materials be witnessed for uniformed service members and overseas citizens.** While such requirements may be appropriate for local or in-state absentee balloting, such requirements add an additional burden to the uniformed service and overseas voters in order to request an absentee ballot or to return a voted ballot.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot need not be notarized or witnessed in order to be counted.

North Dakota 2007 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **North Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 16 of the North Dakota Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **North Dakota accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

January 11, 2007

The Honorable Ross Miller
Secretary of State
101 North Carson Street, Suite 3
Carson City, NV 89701

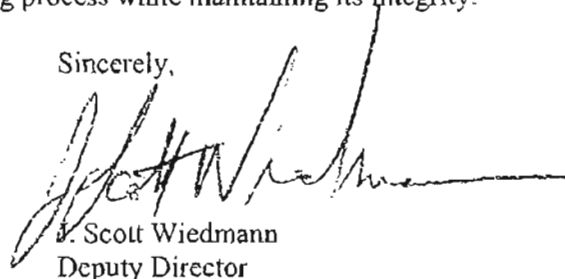
Dear Secretary Miller,

I would like to thank you for the work you and Secretary Heller have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Nevada's existing election code and procedures, I have identified six initiatives that the Nevada legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Nevada's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 15,573 Uniformed Services members, 11,679 family members and approximately 24,135 overseas citizens that claim Nevada as their voting residence.

As you review the enclosed initiatives for possible inclusion in Nevada's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

Nevada 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised due to time and location constraints, by allowing them to cast a ballot when they would not otherwise have been able to vote.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process to include electronic transmission of the FPCA for registration by all citizens voting under the Uniformed and Overseas Citizens Absentee Voting Act, electronically sending the ballot to these citizens and accepting the voted ballot from these citizens where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Nevada's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Sixteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of

this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Nevada currently allows members of the Armed Forces, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Nevada expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the termination date of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home from employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. Twenty-nine states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Nevada provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to Uniformed Services voters and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned. During past primaries, on an *ad hoc* basis, several states and jurisdictions

allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Oklahoma 2007 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oklahoma military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to the timely delivery of absentee ballots for those who request them. For Oklahoma, our 2006-2007 Voting Assistance Guide states that local election officials mail out ballots approximately 30 days before an election. While we commend you for expanding the time between the state run-off election and the General Election, Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-three** other states have increased their ballot transit times to greater than 30 days.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although we realize that Oklahoma enacted legislation to provide for the electronic transmission of the FPCA ballot request, and for the electronic transmission of the blank ballot and acceptance of the voted ballot under certain limited circumstances, we encourage expanded use of this alternative to include the use of electronic transmission of the blank ballot and acceptance of the voted ballot on a regular basis, as an alternative method, not merely during certain limited circumstances.

Sample Language

An elections official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Oregon 2007 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oregon military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Oregon provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. **Twenty-six** states now provide a 45-day transit time for all elections.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Oregon has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request and electronic transmission of the blank ballot. We encourage expanded use of this alternative to include acceptance of the voted ballot from the voter by electronic transmission where circumstances would otherwise disenfranchise a citizen. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send a blank ballot to a voter and accept voted ballots via electronic transmission from eligible electors.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Oregon's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. **Seventeen** states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expansion of Late Registration Procedures

We realize that Oregon allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be**

exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

A person who has been discharged or separated from the Uniformed Services or the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be

used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save Oregon money and alleviate administrative responsibilities of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Pennsylvania 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We request your support in developing the **acceptance of electronic transmission of absentee ballots in Pennsylvania**. With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize that Pennsylvania allows the submission of the Federal Post Card Application for registration and absentee ballot request. However, Pennsylvania now only allows the electronic transmission of the blank ballot if a person is in a designated hostile fire, imminent danger pay, combat zone or qualified hazardous duty area. Further, there is no faxing of the voted ballot in your state. We strongly encourage expanded use of this alternative to include the transmission of the blank ballot by fax to all UOCAVA voters and the acceptance of the voted ballot (to include a waiver of privacy) from all UOCAVA citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that **Pennsylvania's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. *The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.*

Late Registration Procedures

We recommend that **Pennsylvania allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only.** This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special and primary elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted

and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, and primary elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector

Elimination of Witness/Notary Requirement

We recommend that <<STATE>> **eliminate the requirement for voting materials to be [notarized][witnessed] for [uniformed service members][and] [overseas citizens].** While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and/or overseas voters in order to request an absentee ballot and/or to return a voted ballot. [Additionally, many overseas citizens who are not able to visit a U.S. embassy or consular office are forced to pay high fees for notarization or witnessing services in order to participate in the balloting process.]

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

Note: On the LI chart we use for tracking LIs passed by the states, we titled this as: “Accept Ballot Date and Signature in Lieu of Postmark”

We recommend that <<STATE>> **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a [uniformed service] [or] [overseas voter] in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Puerto Rico 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although Puerto Rico currently allows electronic transmission of the FPCA, including fax and email, we encourage expansion of these alternative to include electronically sending the blank ballot to the voter, and electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise them. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The Commonwealth Elections Commission may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Puerto Rico's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Seventeen** states and territories have

passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this commonwealth, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the Commonwealth.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Elimination of Witness/Notary Requirement

Current Puerto Rico election law requires that the FPCA and the ballot return envelope must be sworn to by a person authorized to administer oaths. Depending on the category of UOCAVA voter, the oath must be administered by a commissioned officer, the highest officer on board ship, an official in the school registrar's office, a notary public, or a consular officer. We recommend that **Puerto Rico eliminate the requirement for voting materials to be notarized for uniformed service members and overseas citizens.** While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and overseas voters in order to request an absentee ballot and to return a voted ballot. Additionally, many overseas citizens who are not able to visit a U.S. embassy or consular office are forced to pay high fees for notarization or witnessing services in order to participate in the balloting process. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We strongly recommend **removal of the notary requirement for all absentee balloting materials.** Fifty states and territories have eliminated the notary requirement on all election materials.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that **Puerto Rico allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in Puerto Rico just prior to an election and this time frame does not meet Puerto Rico's normal residency requirements. Often, the date of discharge or termination of overseas employment and a commonwealth's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states and territories currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular commonwealth deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Special Write-In Absentee Ballot

We also recommend that Puerto Rico provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from Puerto Rico in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular absentee ballot from Puerto Rico does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the

FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. Puerto Rico will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the commonwealth's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

- (3) the request is received by the appropriate commonwealth election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save the commonwealth money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, commonwealth and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the commonwealth of Puerto Rico;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate Puerto Rico election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Commonwealth Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the commonwealth's election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. **Thirty-seven** states and territories now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the Commonwealth of Puerto Rico has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Puerto Rico accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Rhode Island 2007 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

Despite the alternative of mailing the official state blank ballot 45 days before an election if the official ballot is not yet available, Rhode Island military and overseas voters continue to have an extremely short period of time to receive, vote, and return their absentee ballots in order to be counted (21 days) in the regular absentee ballot delivery process. While electronic transmission of election materials offers an alternative to speed ballot transit time, inadequate ballot transit time through the mail remains the primary obstacle to timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Rhode Island's **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

We note that in 2003 Governor Carcieri signed into law legislation naming the Secretary of State (SoS) the Chief State Election Official in Rhode Island and that your Legislative Implementation Report for 2004 indicates that the SoS intends to introduce legislation to provide the necessary emergency authority for the SoS as the chief election official. If we can help in this effort, please let us know.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National

Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Coverage and Notary Requirement

Under Section 17-20-6.1, Rhode Island provides that the Federal Post Card Application (FPCA) may be used as a request for an absentee ballot by the following groups under UOCAVA (42 U.S.C. § 1973ff):

- (1) A member of the armed forces who is absent from the state by reason of being in active service;
- (2) Any person absent from the state in performance of "services intimately connected with military operations" as defined in § 17-20-3(d); and
- (3) Any person who is employed outside of the United States as defined in § 17-20-3(c)

In contrast, UOCAVA includes Uniformed Services and overseas citizens defined in Section 107 as follows:

- (1) "absent uniformed services voter" means --:
 - (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;
 - (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and
 - (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote;
- (5) "overseas voter" means --:
 - (A) an absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;
 - (B) a person who resides outside the United States and is qualified to

vote in the last place in which the person was domiciled before leaving the United States; or:

- (C) a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

Rhode Island law excludes UOCAVA citizens who mark 8.d. on the FPCA from the procedures of 17-20-6.1, which waives registration, and subjects them to additional procedures in Section 17-21.1-3 by requiring them to submit the Mail Ballot Application and affidavit prior to mailing the absentee ballot. This introduces additional steps and mailing time into the process and the requirement to obtain notarial services to exercise their right to vote. In many countries, voters have paid up to \$90 for these services and other countries do not have notaries in their system of jurisprudence.

Thus, we request that Rhode Island include those overseas citizens currently covered by these separate procedures in Section 17-21.1-3 under Section 17-20-6.1 to allow these citizens to use the FPCA to request an absentee ballot in the same way as the rest of the UOCAVA citizens. As an alternative, Rhode Island could include the Mail Ballot Application along with the ballot to register the applicant and have the citizen attest to a self-administered oath on the form, eliminating the requirement for a notary.

South Carolina 2007 Legislative Initiatives and Sample Language

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Elimination of Witness/Notary Requirement

We recommend that **South Carolina eliminate the requirement for the absentee ballot return envelope to be [witnessed] for uniformed service members and overseas citizens.** While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and/or overseas voters in order to return a voted ballot.

South Dakota 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration and ballot request, electronically sending the ballot to the voter and accepting the voted ballot from the voter, where circumstances would otherwise disenfranchise a citizen. Below is suggested language allowing for electronic transmission to be used in these three steps of the absentee voting process.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **South Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that South Dakota **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend South Dakota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **eleven** states that have expanded the use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Tennessee 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Tennessee enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronic transmission of the FPCA for registration, electronically sending the blank ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample language allowing for these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Tennessee's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

Section 2-6-112 of the Tennessee Election Law refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Late Registration Procedures

We recommend that Tennessee **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Use of FWAB as state special write-in by all UOCAVA citizens:

A citizen voting under the UOCAVA who, due to military or other contingencies that preclude normal mail delivery who will be unable to vote by regular absentee ballot, may use a Federal Write-In Absentee Ballot to vote in Federal elections for Federal office for the candidate of his or her choice.

Texas 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Thus, we request your support **to develop acceptance in Texas for the electronic transmission of the blank and voted ballots to all UOCAVA voters**. With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of this modern technology in the absentee voting process. We realize that Texas provides for the electronic transmission of the FPCA for registration and early voting ballots. Additionally, in 1997, Texas enacted legislation to allow the electronic transmission of the voted ballot by members of the U.S. Armed Forces on active duty overseas, or their family members, if the Armed Forces members are casting the ballot from an area where the members are eligible to receive hostile fire pay or imminent danger pay, or that has been designated by the President of the United States as a combat zone. However, we continue to encourage expanded use of this alternative to include electronically sending the blank ballot to all Texas UOCAVA voters who request it and accepting the voted ballot where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that instead of the Texas Governor, Texas' **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Federal Voting Assistance Program is in closer contact with the Chief Election Official and could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Even though Texas has enacted a 30-day registration deadline as a safeguard to prevent fraud, we still encourage Texas to **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late, e.g., up to the day of the election, or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election (within 30 days of the election). This time frame does not meet your state's current registration requirements. Further, the date of discharge or termination of overseas employment and the Texas registration requirement may combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-seven** states currently have such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We realize that Texas provides a state special write-in absentee ballot to Uniformed Services members if they are unable to cast a ballot on election day or during the early voting period because of a military contingency. We recommend expansion of this state write-in absentee ballot to **provide a method for voting by other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in

advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently thirteen states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

We recognize that Texas recently passed a law that expanded the use of the Federal Write-In Absentee Ballot (FWAB) to any special, primary or runoff election for Federal offices. In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve ballot transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote.

Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

December 18, 2006

The Honorable Roger Williams
Secretary of State
P. O. Box 12887
Austin, TX 78711-2887

Dear Secretary Williams,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Texas's existing election code and procedures, I have identified six initiatives that the Texas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Texas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UCAVA)*. Information available to FVAP indicates that there are 227,395 Uniformed Services members, 170,546 family members and approximately 257,440 overseas citizens that claim Texas as their voting residence.

As you review the enclosed initiatives for possible inclusion in Texas's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

Texas 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Thus, we request your support **to develop acceptance in Texas for the electronic transmission of the blank and voted ballots to all UOCAVA voters.** With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of this modern technology in the absentee voting process. We realize that Texas provides for the electronic transmission of the FPCA for registration and early voting ballots. Additionally, in 1997, Texas enacted legislation to allow the electronic transmission of the voted ballot by members of the U.S. Armed Forces on active duty overseas, or their family members, if the Armed Forces members are casting the ballot from an area where the members are eligible to receive hostile fire pay or imminent danger pay, or that has been designated by the President of the United States as a combat zone. However, we continue to encourage expanded use of this alternative to include electronically sending the blank ballot to all Texas UOCAVA voters who request it and accepting the voted ballot where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that instead of the Texas Governor, Texas' **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Federal Voting Assistance Program is in closer contact with the Chief Election Official and could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Even though Texas has enacted a 30-day registration deadline as a safeguard to prevent fraud, we still encourage Texas to **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late, e.g., up to the day of the election, or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election (within 30 days of the election). This time frame does not meet your state's current registration requirements. Further, the date of discharge or termination of overseas employment and the Texas registration requirement may combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-seven** states currently have such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We realize that Texas provides a state special write-in absentee ballot to Uniformed Services members if they are unable to cast a ballot on election day or during the early voting period because of a military contingency. We recommend expansion of this state write-in absentee ballot to **provide a method for voting by other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in

advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently thirteen states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

We recognize that Texas recently passed a law that expanded the use of the Federal Write-In Absentee Ballot (FWAB) to any special, primary or runoff election for Federal offices. In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve ballot transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Utah 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Currently, acceptance of electronic transmission of election materials varies from county to county in Utah. Consideration should be given to more uniform use of modern technology in the absentee voting process. We encourage statewide adoption of procedures to allow for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot request, electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Utah's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We realize Utah provides a Special Military Write-In Absentee Ballot if the citizen will be unable to vote by regular ballot. We recommend expanding use of this ballot to **provide a method for voting to other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame.** A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. **Twenty-seven** states have implemented state write-in absentee ballots for this purpose.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have

already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FQAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in the general election. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner.

Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. On an ad hoc basis, during past primaries, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve transit

time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Utah accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that

date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the day before election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Vermont 2007 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Vermont military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states have provisions for the 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Vermont currently allows for electronic transmission of the FPCA for registration and ballot request and electronically sending the blank ballot to the voter. We encourage enacting legislation for acceptance of the voted ballot electronically from the voter

where circumstances would otherwise disenfranchise a citizen. Below is sample legislation that will provide for this alternative.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Vermont's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Removal of Notary Requirement

Current Vermont election law requires that the FPCA used to register must be notarized. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid **\$90** to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, many small military installations may have no commissioned officer assigned.

Alternatively, we recommend unregistered applicants be instructed to read the Freeman's Oath prior to signing the FPCA. Item 8e of the 1995 FPCA contains language where the applicant swears/affirms under penalty of perjury that he or she is "a U.S. citizen, eligible to vote in the

above jurisdiction and subscribe to any required state/local oath or statement.” This would eliminate the need to attach the oath to the FPCA. For the reasons stated above, we recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Vermont **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state’s normal residency requirements. Often, the date of discharge or termination of overseas employment and a state’s registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

State Write-In Absentee Ballot

We also recommend Vermont provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from the State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now have state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. Thirty-seven states have modified state election code to reference UOCAVA.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

January 10, 2006

The Honorable Greg Francis
Lieutenant Governor
Office of the Lieutenant Governor
1105 King St.
Christiansted
St. Croix, VI00820

Dear Lieutenant Governor Francis,

I would like to thank you for the work you and Lieutenant Governor Richards have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Virgin Islands's existing election code and procedures, I have identified five initiatives that the Virgin Islands legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Virgin Islands's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 318 Uniformed Services members, 239 family members and many overseas citizens that claim Virgin Islands as their voting residence.

As you review the enclosed initiatives for possible inclusion in Virgin Islands's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:

2007 Legislative Initiatives and Suggested Wording

Virgin Islands 2007 Legislative Initiatives and Sample Language

Expansion of Late Registration Procedures

The Virgin Islands currently allows members of the Armed Forces and merchant marine, discharged within 60 days of an election and who return to the Virgin Islands too late to register, to vote in the upcoming election. We recommend that the Virgin Islands expand the scope of this procedure and **allow Uniformed Services personnel (Coast Guard, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration), civilians recently separated from overseas employment, and the spouses and dependents of all these groups to be eligible for the same procedure.** These citizens also go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all *UOCAVA* citizens.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Special Write-in Absentee Ballot

We also recommend the Virgin Islands provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet

the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Virgin Islands money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with Virgin Islands registration requirements;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal

residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Virgin Islands accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Virgin Islands 2007 Legislative Initiatives and Sample Language

Expansion of Late Registration Procedures

The Virgin Islands currently allows members of the Armed Forces and merchant marine, discharged within 60 days of an election and who return to the Virgin Islands too late to register, to vote in the upcoming election. We recommend that the Virgin Islands expand the scope of this procedure and **allow Uniformed Services personnel (Coast Guard, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration), civilians recently separated from overseas employment, and the spouses and dependents of all these groups to be eligible for the same procedure.** These citizens also go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Special Write-in Absentee Ballot

We also recommend the Virgin Islands provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet

the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Virgin Islands money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with Virgin Islands registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal

residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Virgin Islands accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Virginia 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We realize Virginia allows electronic transmission of the FPCA for absentee ballot request. We also note that Virginia has conducted several successful pilot projects with the transmission of blank ballots by electronic mail. We continue to support your innovative electronic voting projects; however, we also continue to encourage expanded use of electronic transmission to include sending the blank ballot to the voter and accepting the voted ballot from the voter by facimile where circumstances would otherwise disenfranchise a citizen. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An election official may send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have already passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently, Virginia law allows the Federal Write-In Absentee Ballot (FWAB) to be used in all elections and from inside or outside the United States. However, we continue to recommend that the FWAB voter declaration be accepted as **a request for registration simultaneously with the submission of the completed FWAB**. We realize that legislation has been passed providing that the FWAB can be used to serve as **an application** for an absentee ballot and the absentee ballot itself for Federal offices provided the Registrar received it not less than five days prior to the election. Consideration should be given to simplify the registration and request for absentee ballot request process and improve ballot transit time through the combined use of the FWAB for registration and absentee ballot simultaneously. It should be noted that the information requested on the FWAB transmission envelope, is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). This does not change the data required from your state for these citizens. The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is outside the U.S. or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state .

Elimination of Witness/Notary Requirement

We recommend that Virginia **eliminate the requirement for voting materials to be witnessed for uniformed service members and overseas citizens**. While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and/or overseas voters in order to request an absentee ballot and/or to return a

voted ballot. Additionally, many overseas citizens who are not able to visit a U.S. embassy or consular office are forced to pay high fees for notarization or witnessing services in order to participate in the balloting process.

Washington 2007 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Washington's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that **Washington allow persons recently separated from the Uniformed Services, the merchant marine or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting Washington's 15-day late registration deadline. We recommend that UOCAVA citizens be permitted to register up to the day of the next ensuing election when these circumstances arise. **Eighteen** states currently have a late registration procedure for all UOCAVA citizens.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the state Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Washington money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

West Virginia 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, electronically sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **West Virginia's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **West Virginia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend West Virginia provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and

return the regular ballot from the State in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to Uniformed Services voters and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are currently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

For those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information that is requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the chief election officer.

Wisconsin 2007 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Wisconsin military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Although Wisconsin local election officials mail absentee ballots 30 days before the Fall partisan and 21 days before the Spring nonpartisan elections, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Wisconsin enacted legislation to provide for the electronic

transmission of the FPCA for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Wisconsin permits the transmission of an absentee ballot electronically. The voted ballot must be returned by mail or in person.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wisconsin's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Sixteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Wisconsin election law requires that, for military and overseas voters, the certificate-affidavit on the ballot return envelope must be witnessed by one adult U.S. citizen. We recommend **removal of the notary and witness requirements for all absentee balloting materials**. Fifty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Wisconsin accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

The Honorable Sean Parnell
Lieutenant Governor
P.O. Box 110017
Juneau, AK 99811-0017

Dear Lieutenant Governor Parnell,

I would like to thank you for the work you and the state of Alaska have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, and utilizing digital signatures with electronically transmitted materials.

After reviewing Alaska's existing election code and procedures, I have identified six initiatives that the Alaska legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Alaska's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 37,166 Uniformed Services members, an estimated 27,000 family members and approximately 8,000 overseas citizens that claim Alaska as their voting residence.

As you review the enclosed initiatives for possible inclusion in Alaska's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Alaska 2008 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alaska's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alaska money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he

or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Elimination of Witness/Notary Requirement

Alaska requires that the signature on the voter's certificate on the ballot return envelope be witnessed, and signed and dated by the witness. We recommend that **Alaska eliminate the requirement for voting materials to be witnessed for uniformed service members and overseas citizens.** While such requirements may be appropriate for local or in-state absentee

balloting, they create an additional burden to the uniformed service and/or overseas voters in order to request an absentee ballot and/or to return a voted ballot.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot need not be notarized or witnessed in order to be counted.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Alaska accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although *UOCAVA* voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

The Honorable Beth Chapman
Secretary of State
State Capitol, Room S-105
600 Dexter Avenue
Montgomery, AL 36104

Dear Secretary Chapman,

I would like to thank you for the work you and the state of Alabama have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Alabama's existing election code and procedures, I have identified seven initiatives that the Alabama legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Alabama's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 18,854 Uniformed Services members, an estimated 14,000 family members and approximately 59,000 overseas citizens that claim Alabama as their voting residence.

As you review the enclosed initiatives for possible inclusion in Alabama's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Alabama 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Alabama's use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. **Sixteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. **Fifty** states allow electronic transmission of at least part of the absentee voting process. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alabama's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of

Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that Alabama **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have

never resided in a state, they would be eligible to vote in elections for Federal office. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

State Special Write-In Absentee Ballot

We recommend Alabama provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB.

However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee

ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alabama money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Elimination of Witness/Notary Requirement

Alabama absentee ballot return envelope contains an affidavit which must be sworn to before a commissioned officer, notary or other person authorized to administer oaths, or two witnesses (18 years or older). We recommend that **Alabama eliminate the requirement for voting materials to be notarized or witnessed for uniformed service members and overseas citizens**. While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and/or overseas voters in order to return a voted ballot. Additionally, many overseas citizens who are not able to visit a U.S. embassy or consular office are forced to pay high fees for notarization or witnessing services in order to participate in the balloting process.

Sample Language (suggested if notarization/witness is required for local or in-state absentee ballot)

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable Charlie Daniels
Secretary of State
State Capitol Building, Room 256
Little Rock, Arkansas 72201

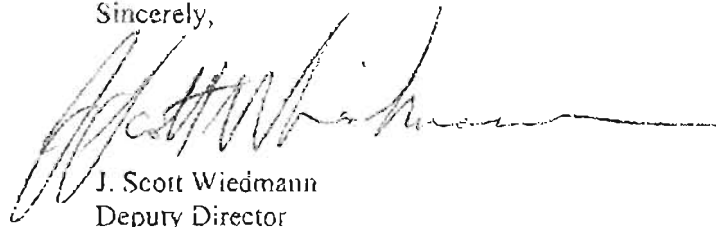
Dear Secretary Daniels,

I would like to thank you for the work you and the state of Arkansas have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Arkansas's existing election code and procedures, I have identified nine initiatives that the Arkansas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Arkansas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 10,686 Uniformed Services members, an estimated 8,000 family members and approximately 34,000 overseas citizens that claim Arkansas as their voting residence.

As you review the enclosed initiatives for possible inclusion in Arkansas's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Arkansas 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arkansas military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Arkansas enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and that registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballots.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arkansas's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Arkansas allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Arkansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the State money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 7-5-406 of the Arkansas Election Laws refers to the Overseas Citizens Voting Rights Act of 1975. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the *Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Arkansas **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

Mr. Soliai T. Fuimaono
Chief Election Officer
PO Box 3970
Pago Pago, AS 96799-3970

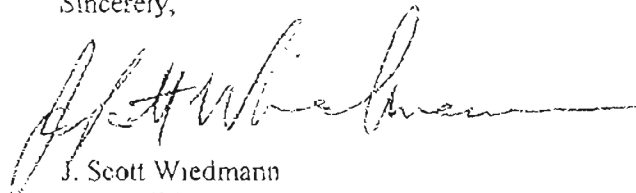
Dear Mr. Fuimaono,

I would like to thank you for the work you and American Samoa have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing American Samoa's existing election code and procedures, I have identified eight initiatives that the American Samoan legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for American Samoa's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 523 Uniformed Services members, an estimated 350 family members and many overseas citizens that claim American Samoa as their voting residence.

As you review the enclosed initiatives for possible inclusion in American Samoa's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

American Samoa 2008 Legislative Initiatives and Sample Language

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face American Samoa military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow the chief election officer more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that American Samoa allows the electronic transmission of the FPCA for registration and absentee ballot request. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The chief election officer may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that American Samoa's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current American Samoa election law requires that the FPCA must be sworn to by a person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Fifty states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S. or the Territories

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a citizen outside the Territory who has never lived in the Territory has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that American Samoa **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-nine states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend American Samoa provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from American Samoa in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these

elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.

The adoption of this initiative would save the territory money and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the territory;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.*



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable Jan Brewer
Secretary of State
7th Floor, State Capitol
1700 W. Washington
Phoenix, Arizona 85007-2808


Dear Secretary Brewer,

I would like to thank you for the work you and the state of Arizona have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Arizona's existing election code and procedures, I have identified two initiatives that the Arizona legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Arizona's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 21,293 Uniformed Services members, an estimated 15,970 family members and approximately 68,000 overseas citizens that claim Arizona as their voting residence.

As you review the enclosed initiatives for possible inclusion in Arizona's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Arizona 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arizona military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

The Honorable Debra Bowen
Secretary of State
1500 11th Street
Sacramento, CA 95814-2974

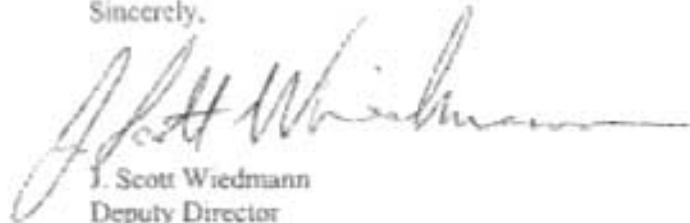
Dear Secretary Bowen,

I would like to thank you for the work you and the state of California have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing California's existing election code and procedures, I have identified four initiatives that the California legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for California's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 130,064 Uniformed Services members, an estimated 97,000 family members and approximately 450,000 overseas citizens that claim California as their voting residence.

As you review the enclosed initiatives for possible inclusion in California's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

California 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face California military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that California's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. Fifteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

The Honorable Mike Coffman
Secretary of State
1700 Broadway, Suite 200
Denver, CO 80290

Dear Secretary Coffman,

I would like to thank you for the work you and the state of Colorado have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. Colorado is to be commended for the recent enactment of legislation to enfranchise those Colorado citizens who have never resided in the U.S. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Colorado's existing election code and procedures, I have identified three initiatives that the Colorado legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Colorado's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 17,179 Uniformed Services members, an estimated 12,000 family members and approximately 59,000 overseas citizens that claim Colorado as their voting residence.

As you review the enclosed initiatives for possible inclusion in Colorado's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*--let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Colorado 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Colorado military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission of election materials has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We realize Colorado has enacted legislation that allows Uniformed Services members and overseas citizens to submit the FPCA, receive a blank ballot and return the voted ballot by fax. Colorado further permits Uniformed Services members serving outside the U.S. to submit the FPCA, receive a blank ballot and return the voted ballot by electronic mail. We encourage expanded use of this alternative to include the use of fax and electronic mail to all UOCAVA voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A County Clerk and Recorder may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Colorado **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-eight states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Susan Bysiewicz
Secretary of State
Office of the Secretary of State
State Capitol, Room 104
Hartford, CT 06106

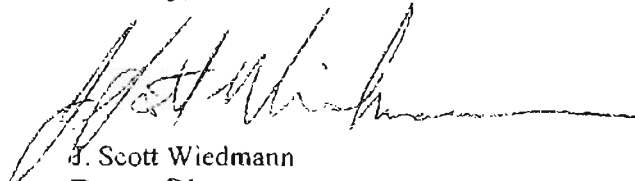
Dear Secretary Bysiewicz,

I would like to thank you for the work you and the state of Connecticut have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Connecticut's existing election code and procedures, I have identified seven initiatives that the Connecticut legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Connecticut's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 8,981 Uniformed Services members, an estimated 6,700 family members and approximately 42,000 overseas citizens that claim Connecticut as their voting residence.

As you review the enclosed initiatives for possible inclusion in Connecticut's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Connecticut 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Connecticut military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize that Connecticut provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-three states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Connecticut enacted legislation to provide for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. However, voters using the FPCA to register are required to simultaneously mail the original, which must arrive by 5:00 p.m. on the day before the election for the ballot to be counted. The electronic transmission methodology is there to ensure the FPCA is received by the state's deadline. If the electronically transmitted FPCA for registration is not recognized until the mail version is received then the availability of electronic transmission is of no benefit to the voter. We realize the original FPCA should be mailed in all cases regardless, however we urge an extension to the acceptance deadline for the original FPCA when the voter has utilized the electronically transmitted option.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Connecticut's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Seventeen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We realize that Connecticut law allows recently discharged members of the military returning to the state too late to register during the regular registration period to register to vote up until 5:00 p.m. on the last weekday before an election. We recommend that **Connecticut allow persons recently separated from overseas employment, and their family members, to be able to register late or be exempt from registration**. Many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet the normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem.

Sample Language

A person who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Connecticut extend the availability of the state write-in absentee ballot to non-Uniformed Services overseas electors. The purpose of the state write-in absentee ballot is to **provide a method for voting by persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-six states now provide state write-in absentee ballots.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Use of the Federal Write-In Absentee Ballot (FWAB)

The state of Connecticut is exempt from use of the Federal Write-In Absentee Ballot (FWAB) by Section 103 (f) in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These statements exempt states that make ballots available to military voters at least 90 days before the general election and as soon as the candidate list is available for other UOCAVA citizens.

The intent of the Federal Write-In Absentee Ballot (FWAB) is to aid the enfranchisement of U.S. citizens overseas wishing to vote for Federal Offices in general elections who make timely application for, but do not receive an absentee ballot.

The intent of the current Connecticut Special Write-In Absentee Ballot is to assist members of the military and their family members who are not able to follow the regular absentee ballot application procedure.

The Connecticut Special Write-In Absentee Ballot does not accommodate citizens who request a state absentee ballot in a timely manner and do not receive it in time to vote and return it to meet the state's ballot deadline. The FWABs, which are prepositioned at military installations and U.S. Embassies and Consulates worldwide fulfill this purpose for all overseas U.S. citizens except those whose legal residence is Connecticut.

We recommend that **Connecticut allow overseas UOCAVA citizens who have requested a state absentee ballot in a timely manner and not received it in time to vote and return it to meet the state's ballot deadline be allowed to use the Federal Write-In Absentee Ballot.**

Sample Language

The Federal Write-In Absentee Ballot (FWAB) will be accepted from uniformed services and overseas voters who make timely application for, and do not receive a regular absentee ballot. The following rules shall apply with respect to the FWAB:

(1) In completing the ballot, the overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of the political party (in which case the ballots shall be counted for the candidate of that political party).

(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of the political party shall be counted as a vote for the electors supporting the candidate involved.

(3) Any abbreviation, misspelling, or other minor variation in the spelling of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Ms. Alice Miller
Executive Director
Board of Elections and Ethics
One Judiciary Square
441 4th Street NW, Suite 250 North
Washington, DC 20001

Dear Ms. Miller,

I would like to thank you for the work you and the District of Columbia have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing the District of Columbia's existing election code and procedures, I have identified six initiatives that the District of Columbia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for the District of Columbia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 907 Uniformed Services members, an estimated 600 family members and many overseas citizens that claim the District of Columbia as their voting residence.

As you review the enclosed initiatives for possible inclusion in the District of Columbia's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

District of Columbia 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize the District of Columbia allows electronic transmission of the FPCA for registration and absentee ballot request and permits faxing of the absentee ballot when military service prevents the voter from receiving and returning the voted ballot. However, we encourage you to expand the use of this alternative to include electronic transmission of the blank and voted ballots for all military and overseas citizens, electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate these alternatives.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Late Registration Procedures

We recommend that the District of Columbia **allow persons recently separated from the Uniformed Services or overseas employment and their family members to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in the District of Columbia just prior to an election. This time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and registration requirements combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Thirty** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend that the District of Columbia provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal timeframe.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-six** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote on absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently, the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Twelve** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the District's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter resides outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the jurisdiction;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in the U.S., they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Sixteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **the District of Columbia accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although *UOCAVA* voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

Ms. Elaine Manlove
Commissioner of Elections
111 S. West Street, Suite 10
Dover, DE 19904

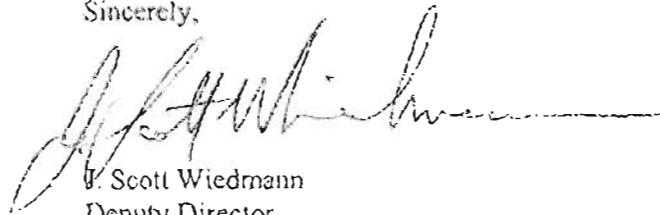
Dear Ms. Manlove,

I would like to thank you for the work you and the state of Delaware have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Delaware's existing election code and procedures, I have identified three initiatives that the Delaware legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Delaware's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 2,997 Uniformed Services members, an estimated 2,000 family members and approximately 8,000 overseas citizens that claim Delaware as their voting residence.

As you review the enclosed initiatives for possible inclusion in Delaware's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



V. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Delaware 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process. We realize Delaware has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for electronically sending the ballot to the voter and accepting the voted ballot from the voter.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Delaware's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief

Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Kurt S. Browning
Secretary of State
R.A. Gray Building
500 S. Bronough
Tallahassee, FL 32399-0250

Dear Secretary Browning,

I would like to thank you for the work you and the state of Florida have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Florida's existing election code and procedures, I have identified four initiatives that the Florida legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Florida's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 194,209 Uniformed Services members, an estimated 146,000 family members and approximately 212,000 overseas citizens that claim Florida as their voting residence.

As you review the enclosed initiatives for possible inclusion in Florida's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Florida 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Although Florida passed legislation allowing the electronic transmission of the blank ballot and receipt of the voted ballot by overseas U.S. citizens, we encourage you to expand the use of this alternative. We request that Florida allow election officials to electronically send the blank ballot and accept the voted ballot electronically from military voters **in the U.S.**, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate this alternative.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors via electronic transmission.

State Write-In Absentee Ballot

We recommend that Florida provide a state write-in absentee ballot for **all elections**. We commend you for passing legislation that allowed for a state write-in ballot for general elections. However, we request that you expand this to all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame for all elections**. Thus, a voter would know that they could exercise their right to vote for all Florida elections, not just one. We encourage you to include this in your next legislative package.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently in Florida, the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Twelve other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Sixteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.



FEDERAL VOTING ASSISTANCE PROGRAM
DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Karen Handel
Secretary of State
State Capitol, Room 214
Atlanta, GA 30334

Dear Secretary Handel,

I would like to thank you for the work you and the state of Georgia have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Georgia's existing election code and procedures, I have identified five initiatives that the Georgia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Georgia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 33,117 Uniformed Services members, an estimated 25,000 family members and approximately 110,000 overseas citizens that claim Georgia as their voting residence.

As you review the enclosed initiatives for possible inclusion in Georgia's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Georgia 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Georgia enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and the registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Georgia's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or

unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Georgia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Twelve** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission**

of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if: taneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Georgia **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Michael W. Cruz
Lieutenant Governor
PO Box 2950
Agana, GU 96910

Dear Lieutenant Governor Cruz,

I would like to thank you for the work you and the territory of Guam have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Guam's existing election code and procedures, I have identified eight initiatives that the Guam legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Guam's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 381 Uniformed Services members, an estimated 300 family members and many overseas citizens that claim Guam as their voting residence.

As you review the enclosed initiatives for possible inclusion in Guam's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Guam 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration and ballot request, sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Guam's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components

of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Guam election law requires that the ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Fifty states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that Guam allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Guam Election Code

The Guam Election Code refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the Guam election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the Guam Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Special Write-In Absentee Ballot

We also recommend Guam provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as**

those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from Guam in time to be counted. Twenty-six states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state or territory does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Twelve other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.*



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

Mr. Rex Quidilla
Chief Elections Officer
Office of Elections
802 Lehua Avenue
Pearl City, HI 96782

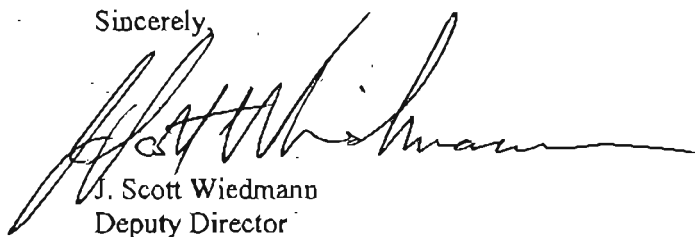
Dear Mr. Quidilla,

I would like to thank you for the work you and the state of Hawaii have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Hawaii's existing election code and procedures, I have identified four initiatives that the Hawaii legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Hawaii's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 5,447 Uniformed Services members, an estimated 4,000 family members and approximately 17,000 overseas citizens that claim Hawaii as their voting residence.

As you review the enclosed initiatives for possible inclusion in Hawaii's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Hawaii 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Hawaii military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-three** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Hawaii allow persons recently separated from the Uniformed Services, the merchant marine, or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Although Hawaii Revised Statute Section 15-3 states "...any former registered voter of Hawaii may vote an absentee ballot in any presidential election occurring within twenty-four months after leaving Hawaii...", This statute does not cover members of the Uniformed Services, the merchant marine, or citizens employed overseas, and family members that have been away for over 24 months. Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. A special late registration procedure for these circumstances would solve this problem. **Twenty-nine** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. While Hawaii offers electronic transmission of election materials, the fact remains that by **expanding the use of the FWAB to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Hawaii money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

State Special Write-In Absentee Ballot

We also recommend Hawaii provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the

state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Michael A. Mauro
Secretary of State
Office of the Secretary of State
Lucas Building, 1st Floor
321 E 12th Street
Des Moines, IA 50319

Dear Secretary Mauro,

I would like to thank you for the work you and the state of Iowa have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Iowa's existing election code and procedures, I have identified three initiatives that the Iowa legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Iowa's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 8,722 Uniformed Services members, an estimated 6,500 family members and approximately 42,000 overseas citizens that claim Iowa as their voting residence.

As you review the enclosed initiatives for possible inclusion in Iowa's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Iowa 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Iowa enacted legislation to provide for electronic transmission of the Federal Post Card Application request for registration and an absentee ballot. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. The following sample language would allow for these procedures.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We understand Iowa currently allows discharged military personnel to register late. **We encourage expanding this option to their family members and overseas citizens who may go through a transition period when they first leave the Uniformed Services or**

overseas employment and may reside in your state just prior to an election. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home after active duty or employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Iowa **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Ben Ysursa
Secretary of State
State Capitol, Room 203
Boise, ID 83720-0080

Dear Secretary Ysursa,

I would like to thank you for the work you and the state of Idaho have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Idaho's existing election code and procedures, I have identified six initiatives that the Idaho legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Idaho's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 8,698 Uniformed Services members, an estimated 6,500 family members and approximately 17,000 overseas citizens that claim Idaho as their voting residence.

As you review the enclosed initiatives for possible inclusion in Idaho's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, reading "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Idaho 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country whom may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Idaho allows for the electronic transmission of the Federal Post Card Application (FPCA) for absentee ballot request, and for transmission of a blank ballot in certain emergency situations. We recommend expanded use of this alternative to include electronic transmission of the FPCA request for registration as well as electronic transmission of the blank ballot to the voter and acceptance of the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Idaho's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Idaho **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Idaho provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the State in time to be counted. Twenty-six states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the State. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Twelve** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens**

be allowed to vote in elections for Federal offices where either parent is eligible to vote under the *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

Mr. Daniel White
Executive Director
State Board of Elections
1020 S Spring Street
Springfield, IL 62708

Dear Mr. White,

I would like to thank you for the work you and the state of Illinois have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Illinois's existing election code and procedures, I have identified nine initiatives that the Illinois legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Illinois' citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 56,125 Uniformed Services members, an estimated 42,000 family members and approximately 161,000 overseas citizens that claim Illinois as their voting residence.

As you review the enclosed initiatives for possible inclusion in Illinois's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Illinois 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Illinois enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for ballot requests by members of the Armed Forces. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise them. **Sixteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Illinois' **State Board of Elections/Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their

right to vote. The State Board of Elections/Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission or fax. As an example, in light of the surge of Guard and Reserve forces being deployed, the State Board of Elections/Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The State Board of Elections/Chief Election Official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The State Board of Elections/Chief Election Official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the State Board of Elections/Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The State Board of Elections/Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expansion of Late Registration Procedures

Illinois currently allows members of the Armed Forces or merchant marine, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Illinois expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's 30-day residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all *UOCAVA* citizens.

Sample Language

An individual or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the

regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Application for Ballot by Proxy to Overseas Citizens

Currently, Illinois allows spouses, and other family members, to use a special application provided by the local election official to request that an absentee ballot be mailed to members of the Uniformed Services. **We recommend this option be expanded to allow spouses and other family members of overseas civilian citizens to request an absentee ballot be mailed to them.**

Sample Language

If a spouse, dependent, mother, father, sister or brother of a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is registered to vote in the same county as that citizen, he or she may request that an absentee ballot be mailed to that voter by completing a special application provided by the local election official.

State Special Write-In Absentee Ballot

We also recommend Illinois provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB

was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 10 of the Illinois Election Laws makes no reference to Federal law. In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which the Federal Voting Assistance Program administers. **Reference to the UOCAVA in the state election code** would help election officials and interested citizens find guidance to applicable federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions

allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Illinois money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

(3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Illinois **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

The Honorable Todd Rokita
Secretary of State
Office of the Secretary of State
201 State House
Indianapolis, IN 46204

Dear Secretary Rokita,

I would like to thank you for the work you and the state of Indiana have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Indiana's existing election code and procedures, I have identified two initiatives that the Indiana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Indiana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 18,412 Uniformed Services members, an estimated 13,000 family members and approximately 76,000 overseas citizens that claim Indiana as their voting residence.

As you review the enclosed initiatives for possible inclusion in Indiana's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Indiana 2008 Legislative Initiatives and Sample Language

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1153

September 14, 2007

The Honorable Ron Thornburgh
Secretary of State
120 SW 10th Avenue
Memorial Hall, 1st Floor
Topeka, KS 66612-1594

Dear Secretary Thornburgh,

I would like to thank you for the work you and the state of Kansas have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Kansas's existing election code and procedures, I have identified four initiatives that the Kansas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Kansas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 10,196 Uniformed Services members, an estimated 7,000 family members and approximately 34,000 overseas citizens that claim Kansas as their voting residence.

As you review the enclosed initiatives for possible inclusion in Kansas's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Kansas 2008 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kansas' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Kansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff**

elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and runoff elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable Trey Grayson
Secretary of State
700 Capital Avenue, Suite 152
Frankfort, Kentucky 40601-3493

Dear Secretary Grayson,

I would like to thank you for the work you and the state of Kentucky have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Kentucky's existing election code and procedures, I have identified seven initiatives that the Kentucky legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Kentucky's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 10,559 Uniformed Services members, an estimated 7,919 family members and approximately 51,000 overseas citizens that claim Kentucky as their voting residence.

As you review the enclosed initiatives for possible inclusion in Kentucky's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Kentucky 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Kentucky enacted legislation, which provides for the electronic transmission of the Federal Post Card Application (FPCA) for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic

transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kentucky's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 117 of the Kentucky Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that **Kentucky allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-nine states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Kentucky provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently thirteen states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information

requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable Jay Dardenne
Secretary of State
P.O. Box 94125
Baton Rouge, Louisiana 70804

Dear Secretary Dardenne,

I would like to thank you for the work you and the state of Louisiana have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Louisiana's existing election code and procedures, I have identified five initiatives that the Louisiana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Louisiana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 18,554 Uniformed Services members, an estimated 13,916 family members and approximately 59,500 overseas citizens that claim Louisiana as their voting residence.

As you review the enclosed initiatives for possible inclusion in Louisiana's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Louisiana 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem, which continues to face Louisiana military and overseas voters, is the extremely short period of time these voters have to receive, vote, and return their absentee ballots **for non-Presidential elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-two** states currently have a 45-day transit time for other elections **in addition to presidential elections**.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Louisiana allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Special Write-In Absentee Ballot

We also recommend Louisiana provide a state write-in absentee ballot for all elections, *not only for the General election*. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **Thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.*

Elimination of Witness/Notary Requirement

Louisiana requires that the ballot return envelope Certificate be signed in the presence of two witnesses. These witnesses must also sign the envelope. We recommend that **Louisiana eliminate the requirement for voting materials to be witnessed for uniformed service members and overseas citizens.** While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and overseas voters in order to return a voted ballot.

Sample Language *(suggested if witnesses are required for local or in-state absentee ballot)*

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for the absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

The Honorable William F. Galvin
Secretary of the Commonwealth
State House, Room 337
Boston, MA 02133

Dear Secretary Galvin,

I would like to thank you for the work you and the Commonwealth of Massachusetts have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, or email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Massachusetts's existing election code and procedures, I have identified seven initiatives that the Massachusetts legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Massachusetts' citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 11,098 Uniformed Services members, an estimated 8,000 family members and approximately 85,000 overseas citizens that claim Massachusetts as their voting residence.

As you review the enclosed initiatives for possible inclusion in Massachusetts's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Massachusetts 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Massachusetts military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. The fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Massachusetts provides 45-day transit time for Primary elections (35 days before election and 10 days extended counting after election). However, expanding this provision to **all elections** would help ensure enfranchisement. **Forty-one** states now allow 45-day ballot transit time for general elections.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Massachusetts has enacted legislation allowing citizens to send the Federal Post Card Application (FPCA) via electronic transmission. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot via electronic transmission from these voters where circumstances would otherwise disenfranchise them. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Massachusetts' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

State Special Write-In Absentee Ballot

We also recommend Massachusetts provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. We realize Massachusetts provides a special write-in absentee ballot if the local election official does not have the regular state ballot available for mailing. However, expanding this provision by making this ballot available upon request by UOCAVA citizens and expanding its use for all elections would help ensure enfranchisement. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector

cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for local, state and Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information

requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Massachusetts money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

Massachusetts requires that voted ballots from Military members and U.S. citizens overseas be postmarked. We recommend that **Massachusetts accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although *UOCAVA* voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Ms. Linda H. Lamone
Administrator
State Board of Elections
P.O. Box 6486
Annapolis, MD 21401-0486

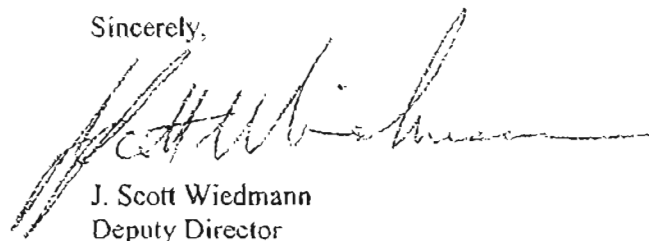
Dear Ms. Lamone,

I would like to thank you for the work you and the state of Maryland have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Maryland's existing election code and procedures, I have identified six initiatives that the Maryland legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Maryland citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 16,802 Uniformed Services members, an estimated 12,000 family members and approximately 68,000 overseas citizens that claim Maryland as their voting residence.

As you review the enclosed initiatives for possible inclusion in Maryland's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Maryland 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Maryland has done an exceptional job passing legislation on behalf of *UOCAVA* voters regarding electronic transmission of election materials. However, we request your consideration again to make further changes in Maryland law/administrative procedures that would include the faxing of the voted ballot for all *UOCAVA* absentee voters and of the FPCA for registration purposes. We realize that Maryland allows faxing of the FPCA for an absentee ballot request and now the unvoted ballot and that Maryland law prohibits electronic facsimile if the document requires a signed affidavit. However, we encourage expansion of this alternative to include electronic transmission of the FPCA for registration (since we instruct voters to submit the original, signed FPCA after faxing and the FPCA form is a simultaneous request for registration and request for absentee ballot) and acceptance of the voted ballot electronically from the voter (signature already on file) where circumstances would otherwise disenfranchise a citizen. The sample language below accommodates these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local board of elections may receive FPCAs for registration, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

Although the Maryland General Assembly deleted the late registration provision from Maryland law, we never-the-less encourage you to recommend that Maryland reinstate procedures **to allow persons recently separated from the Uniformed Services and their family members to be able to register late (or be exempt from registration)**. Previously, honorably discharged military personnel and their spouses and dependents could still vote absentee if a Federal Post Card Application arrived not later than 8 p.m. on election day. Additionally, we recommend that Maryland expand this procedure **to allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**.

Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Thirty** states now allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

Although Maryland provides ample time for transit of ballots under normal circumstances, especially with late counting, we continue to recommend that Maryland provide a state write-in absentee ballot for all elections as a means to vote in case there are delays in mailing and returning absentee ballots. Again, the main purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-six** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

We appreciate the action taken by the Maryland State Board of Elections to allow overseas voters to cast votes for state and local offices in primary and special Federal elections using the Federal Write-In Absentee Ballot (FWAB). Since this ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership, many overseas citizens have access to it and would not be disenfranchised because their regular ballots were not received in a timely manner.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Sixteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*. To address your concerns about lack of control over the process, the citizen must provide a valid Maryland residence address and sign the FPCA attesting that he/she is a U.S. citizen and is not voting in any other jurisdiction.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Maryland **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable Matthew Dunlap
Secretary of State
148 State House Station
Augusta, Maine 04333-0148

Dear Secretary Dunlap,

I would like to thank you for the work you and the state of Maine have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Maine's existing election code and procedures, I have identified seven initiatives that the Maine legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Maine's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 5,337 Uniformed Services members, an estimated 4,003 family members and approximately 17,000 overseas citizens that claim Maine as their voting residence.

As you review the enclosed initiatives for possible inclusion in Maine's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Maine 2008 Legislative Initiatives and Sample Language

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face Maine military and overseas voters is the short period of time these voters have to receive, vote, and return their absentee ballots for **non-Federal elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. However, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Maine has enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) request for registration and ballot, and also allows in some circumstances the electronic transmission of the blank ballot and voted ballot. We recommend expanded use of this alternative to include electronically sending the ballot to all UOCAVA voters,

and accepting the voted ballot from all UOCAVA voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Maine's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Maine **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help

ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

The Honorable Terri Lynn Land
Secretary of State
Richard H. Austin Building, 4th Floor
430 W. Allegan Street
Lansing, MI 48918-9900

Dear Secretary Land,

I would like to thank you for the work you and the state of Michigan have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. Michigan is to be commended for the recent enactment of legislation to eliminate the affidavit/notary requirement and waiving the 30-day registration deadline for Michigan citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Michigan's existing election code and procedures, I have identified five initiatives that the Michigan legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Michigan's citizens covered by the *UOCAVA*. Information available to FVAP indicates that there are 44,054 Uniformed Services members, an estimated 33,000 family members and approximately 127,000 overseas citizens that claim Michigan as their voting residence.

As you review the enclosed initiatives for possible inclusion in Michigan's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Michigan 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the blank ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Michigan **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Special Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for **all elections.** The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he

or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Michigan money and alleviate administrative responsibilities on the part of the local election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.*



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Mark Ritchie
Secretary of State
180 State Office Building
St. Paul, MN 55155-1299

Dear Secretary Ritchie,

I would like to thank you for the work you and the state of Minnesota have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Minnesota's existing election code and procedures, I have identified seven initiatives that the Minnesota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Minnesota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 12,349 Uniformed Services members, 9,000 family members and approximately 68,000 overseas citizens that claim Minnesota as their voting residence.

As you review the enclosed initiatives for possible inclusion in Minnesota's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Minnesota 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Minnesota military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as State Department personnel and citizen employees of American multinational corporations in remote areas. Forty-two states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Minnesota has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Minnesota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Minnesota **allow persons recently separated from the Uniformed Services or overseas employment and their family members to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of

the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Notary Requirement

We realize notarization of the FPCA and the ballot return envelope is not necessary if a voter provides his/her military ID number or passport number. However, if a voter overlooks this requirement or if he or she is unable to obtain notarial services, he or she may be disenfranchised. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

State Write-In Absentee Ballot

We also recommend Minnesota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame**. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the

use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

The Honorable Robin Carnahan
Secretary of State
208 State Capitol
PO Box 778
Jefferson City, MO 65102

Dear Secretary Carnahan,

I would like to thank you for the work you and the state of Missouri have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Missouri's existing election code and procedures, I have identified four initiatives that the Missouri legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Missouri's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 25,062 Uniformed Services members, an estimated 18,000 family members and approximately 72,000 overseas citizens that claim Missouri as their voting residence.

As you review the enclosed initiatives for possible inclusion in Missouri's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Missouri 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Missouri enacted legislation allowing citizens to send the FPCA via electronic transmission when requesting an absentee ballot. We encourage expanded use of this alternative to include electronic transmission of the FPCA for ballot request and registration, electronically sending the ballot to the voter, and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Missouri Election Laws do not refer to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a Uniformed Service member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

May 14, 2008

Honorable C. Delbert Hoseman
Secretary of State
P.O. Box 136
Jackson, Mississippi 39205-0136

Dear Secretary Hoseman,

I would like to thank you for the work the state of Mississippi has done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Mississippi's existing election code and procedures, I have identified nine initiatives that the Mississippi legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Mississippi's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 11,778 Uniformed Services members, approximately 8,830 family members and an estimated 34,000 overseas citizens that claim Mississippi as their voting residence.

As you review the enclosed initiatives for possible inclusion in Mississippi's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Wiedmann".

Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Mississippi 2008 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that American Samoa's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Mississippi election law requires that the affidavit on the absentee ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Fifty states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Return of Voted Ballot by Close of Polls on Election Day

We notice Mississippi requires some UOCAVA voters to return their voted ballot by 5:00 p.m. the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, the voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Mississippi accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 23, Section 23-15-677 of the Mississippi Election Laws refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that **Mississippi allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-nine states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Mississippi provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is

generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declarations as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Mississippi **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a [uniformed service] [or] [overseas voter] in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

The Honorable Brad Johnson
Secretary of State
State Capitol, Room 260
PO Box 202801
Helena, MT 59620-2801

Dear Secretary Johnson,

I would like to thank you for the work you and the state of Montana have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Montana's existing election code and procedures, I have identified four initiatives that the Montana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Montana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 9,097 Uniformed Services members, an estimated 6,000 family members and approximately 8,000 overseas citizens that claim Montana as their voting residence.

As you review the enclosed initiatives for possible inclusion in Montana's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Montana 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Montana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

We realize Montana mails absentee ballots approximately 30 days before primary elections for Federal office and approximately 45 days before general elections for Federal office. However, we recommend Montana mail absentee ballots at least 45 days before all elections. **Twenty-six** states now allow 45-day ballot transit time for all elections. **Forty-one** states allow 45-day ballot transit time for general elections.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Montana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

State Special Write-in Absentee Ballot

We also recommend that Montana provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. In comparison, the FWAB is generally only

available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **Thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

Mr. Gary O. Bartlett
Executive Director
P.O. Box 27255
Raleigh, NC 27611-7255

Dear Mr. Bartlett,

I would like to thank you for the work you and the state of North Carolina have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing North Carolina's existing election code and procedures, I have identified six initiatives that the North Carolina legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for North Carolina's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 30,357 Uniformed Services members, an estimated 22,000 family members and approximately 110,000 overseas citizens that claim North Carolina as their voting residence.

As you review the enclosed initiatives for possible inclusion in North Carolina's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

North Carolina 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of Uniformed Services members and overseas citizens who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Please consider expanding the use of modern technology to overseas citizens. We realize that North Carolina allows the submission of the Federal Post Card Application for registration and absentee ballot request by overseas citizens. However, this should be extended to allow electronic transmission of the blank and voted ballot to these citizens from your state as you have done for Uniformed Services members. Thus, we strongly encourage expanded use of this alternative to include the electronic transmission of the blank ballot to **all UOCAVA** voters and the acceptance of the voted ballot from **all UOCAVA** citizens where circumstances would otherwise disenfranchise them. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

State Special Write-In Absentee Ballot

We recommend that North Carolina provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a

regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save North Carolina money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.*

Expansion of Late Registration Procedures

We realize that North Carolina currently **allows persons recently separated from the Armed Forces to register and vote in person up to and including election day**. We recommend expanding this option to Uniformed Services family members and to citizens returning from overseas employment. Many of these citizens go through a transition period and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen.

Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all *UOCAVA* citizens.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Elimination of Witness/Notary Requirement

North Carolina requires that the certificate on the ballot return envelope be witnessed by two persons 18 years of age or older. Witnesses must provide their signatures and addresses. We recommend that **North Carolina eliminate the requirement for voting materials be witnessed for uniformed service members and overseas citizens.** While such requirements may be appropriate for local or in-state absentee balloting, such requirements add an additional burden to the uniformed service and overseas voters in order to request an absentee ballot or to return a voted ballot.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot need not be notarized or witnessed in order to be counted.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable Alvin Jaeger
Secretary of State
600 East Boulevard Dept 108
Bismark, North Dakota 58505-0500

Dear Secretary Jaeger,

I would like to thank you for the work you and the state of North Dakota have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing North Dakota's existing election code and procedures, I have identified three initiatives that the North Dakota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for North Dakota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UCAVA)*. Information available to FVAP indicates that there are 3,248 Uniformed Services members, an estimated 2,436 family members and approximately 8,500 overseas citizens that claim North Dakota as their voting residence.

As you review the enclosed initiatives for possible inclusion in North Dakota's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

North Dakota 2008 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **North Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 16 of the North Dakota Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

For those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **North Dakota accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

The Honorable John Gale
Secretary of State
State Capitol, Suite 2300
P.O. Box 94608
Lincoln, NE 68509-4608

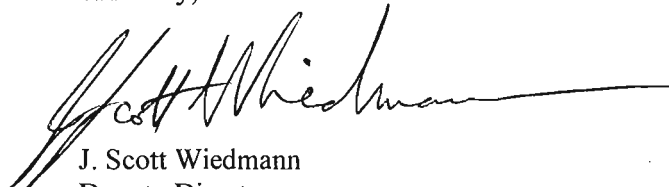
Dear Secretary Gale,

I would like to thank you for the work you and the state of Nebraska have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States like Nebraska with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Nebraska's existing election code and procedures, I have identified one initiative that the Nebraska legislature might consider during the upcoming legislative session. The initiative is discussed in detail with suggested wording in the enclosed document. If the initiative is enacted and signed into law, it would significantly help to facilitate the absentee voting process for Nebraska's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 6,795 Uniformed Services members, an estimated 5,000 family members and approximately 25,000 overseas citizens that claim Nebraska as their voting residence.

As you review the initiative for possible inclusion in Nebraska's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Nebraska 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Nebraska enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests and allows electronic transmission of the blank ballot to Uniformed Service members and civilians outside the United States. However, we recommend expanded use of this alternative to include electronically sending the blank ballot to all citizens covered by UOCAVA, and accepting the voted ballot from these citizens where circumstances would otherwise disenfranchise them. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable William M. Gardner
Secretary of State
State House, Room 204
Concord, New Hampshire 03301

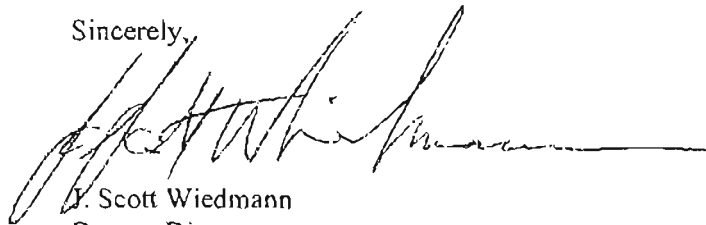
Dear Secretary Gardner,

I would like to thank you for the work you and the state of New Hampshire have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New Hampshire's existing election code and procedures, I have identified seven initiatives that the New Hampshire legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Hampshire's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 8,787 Uniformed Services members, an estimated 6,590 family members and approximately 17,000 overseas citizens that claim New Hampshire as their voting residence.

As you review the enclosed initiatives for possible inclusion in New Hampshire's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

New Hampshire 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New Hampshire military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that New Hampshire allows electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, but we would also like to encourage use of this alternative to include electronically sending the blank ballot to the

voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Hampshire's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Sixteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that New Hampshire **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a [uniformed service] [or] [overseas voter] in lieu of a postmark.** Although *UOCAVA* voters may have voted and mailed their

ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Anne Milgram
Attorney General
Richard J. Hughes - Justice Complex
25 Market Street, CN 080
Trenton, NJ 08625-0300

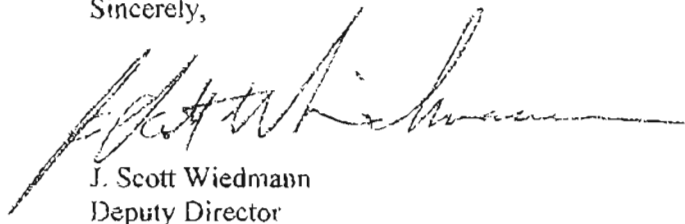
Dear Attorney General Milgram,

I would like to thank you for the work you and the state of New Jersey have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New Jersey's existing election code and procedures, I have identified six initiatives that the New Jersey legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Jersey's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 22,687 Uniformed Services members, an estimated 15,000 family members and approximately 111,000 overseas citizens that claim New Jersey as their voting residence.

As you review the enclosed initiatives for possible inclusion in New Jersey's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

New Jersey 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that New Jersey enacted legislation to provide for the electronic transmission of the FPCA for ballot request, the electronic receipt of the blank ballot by the voter, and accepting an overseas ballot by electronic means. We encourage expanded use of this alternative to accept electronic transmission of the FPCA for registration purposes and to include electronically accepting the voted ballot from the Uniformed Services voter who is out of the state, but not necessarily overseas, on election day where these circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, or a family member, and is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend New Jersey provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-six states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Twelve** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Jersey's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Seventeen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We realize that **New Jersey allows persons recently separated from the Uniformed Services and their family members as well as civilians attached to or serving with the Uniformed Services to register late and obtain an emergency voting form.** We recommend this option be expanded to civilian citizens returning to New Jersey after overseas employment. Many of these citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for

registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

The Honorable Mary Herrera
Secretary of State
325 Don Gasper, Suite 300
Capitol Annex
Santa Fe, NM 87503

Dear Secretary Herrera,

I would like to thank you for the work you and the state of New Mexico have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New Mexico's existing election code and procedures, I have identified four initiatives that the New Mexico legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Mexico's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 8,898 Uniformed Services members, an estimated 6,000 family members and approximately 25,000 overseas citizens that claim New Mexico as their voting residence.

As you review the enclosed initiatives for possible inclusion in New Mexico's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line. The signature is fluid and cursive.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

New Mexico 2008 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that New Mexico **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-eight states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend New Mexico provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 13 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,**

citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*

- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Ross Miller
Secretary of State
101 North Carson Street, Suite 3
Carson City, NV 89701

Dear Secretary Miller,

I would like to thank you for the work you and the state of Nevada have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Nevada's existing election code and procedures, I have identified six initiatives that the Nevada legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Nevada's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 15,491 Uniformed Services members, an estimated 11,000 family members and approximately 25,000 overseas citizens that claim Nevada as their voting residence.

As you review the enclosed initiatives for possible inclusion in Nevada's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Nevada 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised due to time and location constraints, by allowing them to cast a ballot when they would not otherwise have been able to vote.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process to include electronic transmission of the FPCA for registration by all citizens voting under the Uniformed and Overseas Citizens Absentee Voting Act, electronically sending the ballot to these citizens and accepting the voted ballot from these citizens where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Nevada's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Sixteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this

state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Nevada currently allows members of the Armed Forces, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Nevada expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the termination date of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home from employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Nevada provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-six states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to Uniformed Services voters and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **twelve** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the

FWAB to be used for offices other than Federal offices. Twelve other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Mr. Peter S. Kosinski
Deputy Executive Director
State Board of Elections
40 Steuben Street
Albany, New York 12207-2109


Dear Mr. Kosinski,

I would like to thank you for the work you and the state of New York have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New York's existing election code and procedures, I have identified seven initiatives that the New York legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New York's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 62,555 Uniformed Services members, an estimated 49,916 family members and approximately 246,500 overseas citizens that claim New York as their voting residence.

As you review the enclosed initiatives for possible inclusion in New York's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

New York 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New York military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. This is why it is necessary to allow a minimum of 45 days transit time for absentee ballots.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion and Extend Allowable Period

We recommend that New York **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark up to and including the day of the election.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these

citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints. Currently, fifty states and territories allow electronic transmission of election materials.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We enlist your support once again this year in developing the **acceptance of electronic transmission for all parts of the process**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider using modern technology in the absentee voting process. We encourage the use of this alternative to include the **electronic transmission of the FPCA for registration and ballot request, the blank ballot to the voter, and the voted ballot from the voter** where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A county board of elections official may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that New York's **Chief Election Official (CEO) have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The CEO and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that New York allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that New York provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to Uniformed Services voters and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently thirteen states that

have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of the *Federal Voting Assistance Act of 1955* and the *Overseas Citizens Voting Rights Act of 1975* into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the New York election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the New York Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Jennifer Brunner
Secretary of State
180 E. Broad Street
Columbus, OH 43215

Dear Secretary Brunner,

I would like to thank you for the work you and the state of Ohio have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Ohio's existing election code and procedures, I have identified seven initiatives that the Ohio legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Ohio's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 40,037 Uniformed Services members, 30,000 family members and approximately 153,000 overseas citizens that claim Ohio as their voting residence.

As you review the enclosed initiatives for possible inclusion in Ohio's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in cursive script, reading "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Ohio 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

We realize that Ohio enacted legislation to provide for electronic transmission of the FPCA for ballot request and electronic transmission of the blank ballot to voters in the Uniformed Services. We encourage expanded use of this alternative to all UOCAVA citizens to include electronic transmission of the Federal Post Card Application for registration, electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Sample Language

An applicant who is a member of the United States Uniformed Services, the merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Ohio's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special

procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expansion of Late Registration Procedures

We realize that Ohio allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may not know in which state they will live. Others may move to a new state and not meet the state's residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment aboard. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services by separation from the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Waiver of Registration for Citizens Covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

While we realize that registration is waived in Ohio for members of the U.S. Armed Forces and their family members, we encourage expansion of this provision to include all groups covered in the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* definitions. The following is an extract from the UOCAVA, 42 USC 1973ff-6. Section 107. Definitions:

“(1) "absent uniformed services voter" means --

- (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;
- (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and
- (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote “

and

“(7) “uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration”.

The sample language below will accommodate this provision.

Sample Language

If you are a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act, your registration is waived and you may request an absentee ballot by submitting an FPCA so it is received by the county board of elections not later than 3 days before the election.

State Write-In Absentee Ballot

We also recommend Ohio provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter

knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post

Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Mr. Thomas E. Prince
Chairman
State Election Board
P.O. Box 53156
Oklahoma City, OK 73152

Dear Mr. Prince,

I would like to thank you for the work you and the state of Oklahoma have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Oklahoma's existing election code and procedures, I have identified two initiatives that the Oklahoma legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Oklahoma's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 14,535 Uniformed Services members, an estimated 10,000 family members and approximately 42,000 overseas citizens that claim Oklahoma as their voting residence.

As you review the enclosed initiatives for possible inclusion in Oklahoma's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Oklahoma 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oklahoma military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to the timely delivery of absentee ballots for those who request them. For Oklahoma, our *2006-2007 Voting Assistance Guide* states that local election officials mail out ballots approximately 30 days before an election. While we commend you for expanding the time between the state run-off election and the General Election, Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-three** other states have increased their ballot transit times to greater than 30 days.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although we realize that Oklahoma enacted legislation to provide for the electronic transmission of the FPCA ballot request, and for the electronic transmission of the blank ballot and acceptance of the voted ballot under certain limited circumstances, we encourage expanded use of this alternative to include the use of electronic transmission of the blank ballot and acceptance of the voted ballot on a regular basis, as an alternative method, not merely during certain limited circumstances.

Sample Language

An elections official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

The Honorable Bill Bradbury
Secretary of State
136 State Capitol Building
Salem, OR 97310-0722

Dear Secretary Bradbury,

I would like to thank you for the work you and the state of Oregon have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Oregon's existing election code and procedures, I have identified six initiatives that the Oregon legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Oregon's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 19,235 Uniformed Services members, an estimated 14,000 family members and approximately 42,000 overseas citizens that claim Oregon as their voting residence.

As you review the enclosed initiatives for possible inclusion in Oregon's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Oregon 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oregon military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Oregon provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. **Twenty-six** states now provide a 45-day transit time for all elections.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Oregon has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request and electronic transmission of the blank ballot. We encourage expanded use of this alternative to include acceptance of the voted ballot from the voter by electronic transmission where circumstances would otherwise disenfranchise a citizen. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send a blank ballot to a voter and accept voted ballots via electronic transmission from eligible electors.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Oregon's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. **Seventeen** states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expansion of Late Registration Procedures

We realize that Oregon allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be**

exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all *UOCAVA* citizens.

Sample Language

A person who has been discharged or separated from the Uniformed Services or the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under *UOCAVA*.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be

used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB voter declaration as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save Oregon money and alleviate administrative responsibilities of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable Pedro A. Cortes
Secretary of the Commonwealth
North Office Building
Harrisburg, Pennsylvania 17120

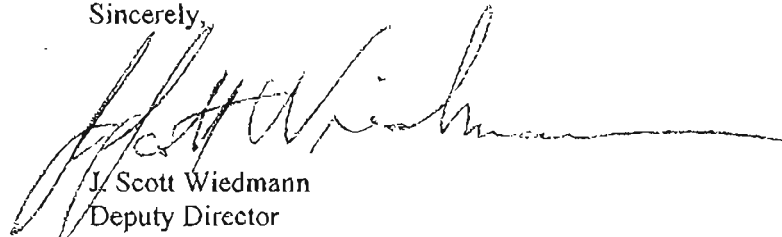
Dear Secretary Cortes,

I would like to thank you for the work you and the state of Pennsylvania have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Pennsylvania's existing election code and procedures, I have identified five initiatives that the Pennsylvania legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Pennsylvania's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 54,200 Uniformed Services members, an estimated 40,640 family members and approximately 161,500 overseas citizens that claim Pennsylvania as their voting residence.

As you review the enclosed initiatives for possible inclusion in Pennsylvania's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Pennsylvania 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We request your support in developing the **acceptance of electronic transmission of absentee ballots in Pennsylvania**. With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize that Pennsylvania allows the submission of the Federal Post Card Application for registration and absentee ballot request. However, Pennsylvania now only allows the electronic transmission of the blank ballot if a person is in a designated hostile fire, imminent danger pay, combat zone or qualified hazardous duty area. Further, there is no faxing of the voted ballot in your state. We strongly encourage expanded use of this alternative to include the transmission of the blank ballot by fax to all *UOCAVA* voters and the acceptance of the voted ballot (to include a waiver of privacy) from all *UOCAVA* citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that **Pennsylvania's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Pennsylvania allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only.** This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special and primary elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted

and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, and primary elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:
If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

Mr. Ramon E. Gomez Colon
President
State Elections Commission
P.O. Box 195552
San Juan, PR 00919-5552

Dear Mr. Gomez Colon,

I would like to thank you for the work you and the Commonwealth of Puerto Rico have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Puerto Rico's existing election code and procedures, I have identified nine initiatives that the Puerto Rico legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Puerto Rico's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 6,261 Uniformed Services members, an estimated 4,000 family members and approximately 8,000 overseas citizens that claim Puerto Rico as their voting residence.

As you review the enclosed initiatives for possible inclusion in Puerto Rico's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Puerto Rico 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although Puerto Rico currently allows electronic transmission of the FPCA, including fax and email, we encourage expansion of these alternative to include electronically sending the blank ballot to the voter, and electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise them. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The Commonwealth Elections Commission may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Puerto Rico's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Seventeen** states and territories have

passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this commonwealth, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the Commonwealth.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Elimination of Witness/Notary Requirement

Current Puerto Rico election law requires that the FPCA and the ballot return envelope must be sworn to by a person authorized to administer oaths. Depending on the category of *UOCAVA* voter, the oath must be administered by a commissioned officer, the highest officer on board ship, an official in the school registrar's office, a notary public, or a consular officer. We recommend that **Puerto Rico eliminate the requirement for voting materials to be notarized for uniformed service members and overseas citizens.** While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and overseas voters in order to request an absentee ballot and to return a voted ballot. Additionally, many overseas citizens who are not able to visit a U.S. embassy or consular office are forced to pay high fees for notarization or witnessing services in order to participate in the balloting process. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We strongly recommend **removal of the notary requirement for all absentee balloting materials.** Fifty states and territories have eliminated the notary requirement on all election materials.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that **Puerto Rico allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in Puerto Rico just prior to an election and this time frame does not meet Puerto Rico's normal residency requirements. Often, the date of discharge or termination of overseas employment and a commonwealth's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states and territories currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular commonwealth deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Special Write-In Absentee Ballot

We also recommend that Puerto Rico provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from Puerto Rico in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular absentee ballot from Puerto Rico does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the

FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. Puerto Rico will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the commonwealth's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

- (3) the request is received by the appropriate commonwealth election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save the commonwealth money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, commonwealth and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the commonwealth of Puerto Rico;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate Puerto Rico election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Commonwealth Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the commonwealth's election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. **Thirty-seven** states and territories now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the Commonwealth of Puerto Rico has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Puerto Rico accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although *UOCAVA* voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable A. Ralph Mollis
Secretary of State
Room 217, State House
Providence, RI 02903

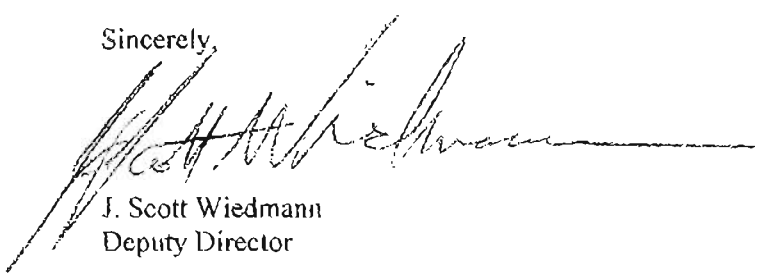
Dear Secretary Mollis,

I would like to thank you for the work you and the state of Rhode Island have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Rhode Island's existing election code and procedures, I have identified two initiatives that the Rhode Island legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Rhode Island's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UCAVA)*. Information available to FVAP indicates that there are 2,504 Uniformed Services members, an estimated 1,800 family members and approximately 17,000 overseas citizens that claim Rhode Island as their voting residence.

As you review the enclosed initiatives for possible inclusion in Rhode Island's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Rhode Island 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

Despite the alternative of mailing the official state blank ballot 45 days before an election if the official ballot is not yet available, Rhode Island military and overseas voters continue to have an extremely short period of time to receive, vote, and return their absentee ballots in order to be counted (21 days) in the regular absentee ballot delivery process. While electronic transmission of election materials offers an alternative to speed ballot transit time, inadequate ballot transit time through the mail remains the primary obstacle to timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Rhode Island's **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

We note that in 2003 Governor Carcieri signed into law legislation naming the Secretary of State (SoS) the Chief State Election Official in Rhode Island and that your Legislative Implementation Report for 2004 indicates that the SoS intends to introduce legislation to provide the necessary emergency authority for the SoS as the chief election official. If we can help in this effort, please let us know.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National

Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Ms. Marci Andino
Executive Director
State Election Commission
PO Box 5987
Columbia, SC 29250-5987

Dear Ms. Andino,

I would like to thank you for the work you and the state of South Carolina have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing South Carolina's existing election code and procedures, I have identified three initiatives that the South Carolina legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for South Carolina's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 18,667 Uniformed Services members, an estimated 14,000 family members and approximately 51,000 overseas citizens that claim South Carolina as their voting residence.

As you review the enclosed initiatives for possible inclusion in South Carolina's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

South Carolina 2008 Legislative Initiatives and Sample Language

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Twelve** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Elimination of Witness/Notary Requirement

We recommend that **South Carolina eliminate the requirement for the absentee ballot return envelope to be [witnessed] for uniformed service members and overseas citizens.** While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and/or overseas voters in order to return a voted ballot.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable Chris Nelson
Secretary of State
State Capitol Building, Suite 204
500 East Capitol
Pierre, South Dakota 57501-5070

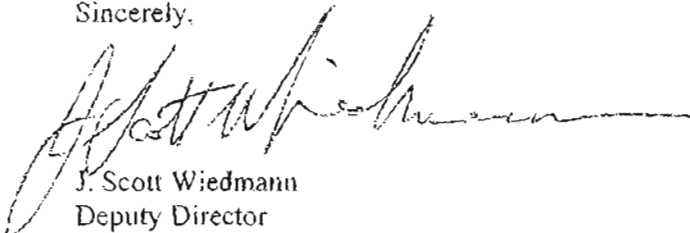
Dear Secretary Nelson,

I would like to thank you for the work you and the state of South Dakota have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing South Dakota's existing election code and procedures, I have identified eight initiatives that the South Dakota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for South Dakota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 8,500 Uniformed Services members, an estimated 6,380 family members and approximately 8,500 overseas citizens that claim South Dakota as their voting residence.

As you review the enclosed initiatives for possible inclusion in South Dakota's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

South Dakota 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that South Dakota now allows the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, but we would like to further encourage use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter, where circumstances would otherwise disenfranchise a citizen. Below is suggested language allowing for electronic transmission to be used in these three steps of the absentee voting process.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **South Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that South Dakota **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim legal residence of a parent. **We recommend these citizens be**

allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend South Dakota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **eleven** states that have expanded the use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that South Dakota **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a [uniformed service] [or] [overseas voter] in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

The Honorable Riley C. Damell
Secretary of State
State Capitol
Nashville, TN 37243

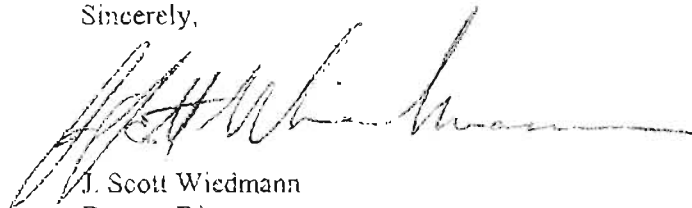
Dear Secretary Damell,

I would like to thank you for the work you and the state of Tennessee have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials

After reviewing Tennessee's existing election code and procedures, I have identified five initiatives that the Tennessee legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Tennessee's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 43,108 Uniformed Services members, an estimated 32,000 family members and approximately 76,000 overseas citizens that claim Tennessee as their voting residence.

As you review the enclosed initiatives for possible inclusion in Tennessee's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*---let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Tennessee 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Tennessee enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronic transmission of the FPCA for registration, electronically sending the blank ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample language allowing for these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Tennessee's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

Section 2-6-112 of the Tennessee Election Law refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Late Registration Procedures

We recommend that Tennessee **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Use of FWAB as state special write-in by all UOCAVA citizens:

A citizen voting under the UOCAVA who, due to military or other contingencies that preclude normal mail delivery who will be unable to vote by regular absentee ballot, may use a Federal Write-In Absentee Ballot to vote in Federal elections for Federal office for the candidate of his or her choice.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

The Honorable Phil Wilson
Secretary of State
P. O. Box 12887
Austin, TX 78711-2887

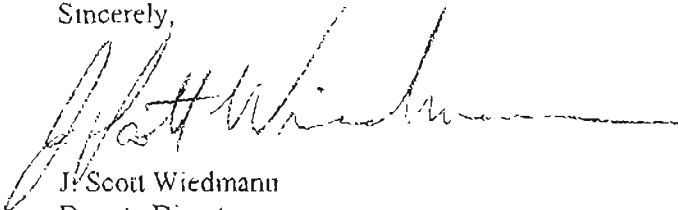
Dear Secretary Wilson,

I would like to thank you for the work you and the state of Texas have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Texas's existing election code and procedures, I have identified six initiatives that the Texas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Texas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 228,163 Uniformed Services members, an estimated 171,000 family members and approximately 272,000 overseas citizens that claim Texas as their voting residence.

As you review the enclosed initiatives for possible inclusion in Texas's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Texas 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Thus, we request your support **to develop acceptance in Texas for the electronic transmission of the blank and voted ballots to all UOCAVA voters**. With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of this modern technology in the absentee voting process. We realize that Texas provides for the electronic transmission of the FPCA for registration and early voting ballots. Additionally, in 1997, Texas enacted legislation to allow the electronic transmission of the voted ballot by members of the U.S. Armed Forces on active duty overseas, or their family members, if the Armed Forces members are casting the ballot from an area where the members are eligible to receive hostile fire pay or imminent danger pay, or that has been designated by the President of the United States as a combat zone. However, we continue to encourage expanded use of this alternative to include electronically sending the blank ballot to all Texas UOCAVA voters who request it and accepting the voted ballot where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that instead of the Texas Governor, Texas' **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Federal Voting Assistance Program is in closer contact with the Chief Election Official and could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Even though Texas has enacted a 30-day registration deadline as a safeguard to prevent fraud, we still encourage Texas to **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late, e.g., up to the day of the election, or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election (within 30 days of the election). This time frame does not meet your state's current registration requirements. Further, the date of discharge or termination of overseas employment and the Texas registration requirement may combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-seven** states currently have such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We realize that Texas provides a state special write-in absentee ballot to Uniformed Services members if they are unable to cast a ballot on election day or during the early voting period because of a military contingency. We recommend expansion of this state write-in absentee ballot to **provide a method for voting by other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in

advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently thirteen states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

We recognize that Texas recently passed a law that expanded the use of the Federal Write-In Absentee Ballot (FWAB) to any special, primary or runoff election for Federal offices. In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve ballot transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

The Honorable Gary R. Herbert
Lieutenant Governor
State Capitol Complex
Suite E-325
Salt Lake City, UT 84114-0607

Dear Lieutenant Governor Herbert,

I would like to thank you for the work you and the state of Utah have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Utah's existing election code and procedures, I have identified six initiatives that the Utah legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Utah's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 6,045 Uniformed Services members, an estimated 4,000 family members and approximately 25,000 overseas citizens that claim Utah as their voting residence.

As you review the enclosed initiatives for possible inclusion in Utah's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Utah 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Currently, acceptance of electronic transmission of election materials varies from county to county in Utah. Consideration should be given to more uniform use of modern technology in the absentee voting process. We encourage statewide adoption of procedures to allow for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot request, electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Utah's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We realize Utah provides a Special Military Write-In Absentee Ballot if the citizen will be unable to vote by regular ballot. We recommend expanding use of this ballot to **provide a method for voting to other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame.** A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. **Twenty-seven** states have implemented state write-in absentee ballots for this purpose.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have

already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FQAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in the general election. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner.

Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. On an *ad hoc* basis, during past primaries, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve transit

time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Utah accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that

date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the day before election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

Ms. Nancy Rodriguez
Secretary, State Board of Elections
200 N. 9th St., Ste. 101
Richmond, VA 23219-3497

Dear Ms. Rodriguez,

I would like to thank you for the work you and the Commonwealth of Virginia have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. Virginia is to be commended for the recent enactment of legislation that expands the use of electronic transmission of voting materials. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Virginia's existing election code and procedures, I have identified five initiatives that the Virginia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Virginia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 34,166 Uniformed Services members, an estimated 25,000 family members and approximately 93,000 overseas citizens that claim Virginia as their voting residence.

As you review the enclosed initiatives for possible inclusion in Virginia's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Virginia 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We realize Virginia allows electronic transmission of the FPCA for absentee ballot request and receipt of the blank ballot. We continue to support your innovative electronic voting projects; however, we also continue to encourage expanded use of electronic transmission to include accepting the voted ballot from the voter electronically where circumstances would otherwise disenfranchise a citizen. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An election official may send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have already passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Special Write-In Absentee Ballot

We recommend Virginia expand use of the special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-six** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB.

However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently, Virginia law allows the Federal Write-In Absentee Ballot (FWAB) to be used in all elections and from inside or outside the United States. However, we continue to recommend that the FWAB voter declaration be accepted as **a request for registration simultaneously with the submission of the completed FWAB**. We realize that legislation has been passed providing that the FWAB can be used to serve as **an application** for an absentee ballot and the absentee ballot itself for Federal offices provided the Registrar received it not less than five days prior to the election. Consideration should be given to simplify the registration and request for absentee ballot request process and improve ballot transit time through the combined use of the FWAB for registration and absentee ballot simultaneously. It should be noted that the information requested on the FWAB Affirmation/Declaration, is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). This does not change the data required from your state for these citizens. The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is outside the U.S. or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state .*

Elimination of Witness/Notary Requirement

We recommend that Virginia **eliminate the requirement for voting materials to be witnessed for uniformed service members and overseas citizens**. While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and/or overseas voters in order to request an absentee ballot and/or to return a voted ballot. Additionally, many overseas citizens who are not able to visit a U.S. embassy or consular office are forced to pay high fees for notarization or witnessing services in order to participate in the balloting process.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Mr. John Abramson Jr.
Supervisor of Elections
P.O. Box 6038
Emancipation Garden Station, Charlotte Amalie
St. Thomas, Virgin Islands 00801-6038

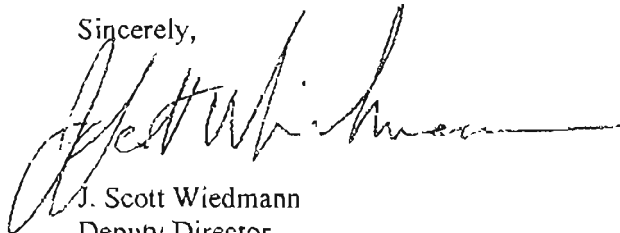
Dear Mr. Abramson Jr.,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Virgin Islands's existing election code and procedures, I have identified five initiatives that the Virgin Islands legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Virgin Islands's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. There are many uniformed Services members, their family members and overseas citizens that claim Virgin Islands as their voting residence.

As you review the enclosed initiatives for possible inclusion in Virgin Islands's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Virgin Islands 2008 Legislative Initiatives and Sample Language

Expansion of Late Registration Procedures

The Virgin Islands currently allows members of the Armed Forces and merchant marine, discharged within 60 days of an election and who return to the Virgin Islands too late to register, to vote in the upcoming election. We recommend that the Virgin Islands expand the scope of this procedure and **allow Uniformed Services personnel (Coast Guard, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration), civilians recently separated from overseas employment, and the spouses and dependents of all these groups to be eligible for the same procedure.** These citizens also go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all *UOCAVA* citizens.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Special Write-in Absentee Ballot

We also recommend the Virgin Islands provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet

the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Virgin Islands money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with Virgin Islands registration requirements;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal

residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Virgin Islands accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

The Honorable Deborah Markowitz
Secretary of State
26 Terrace Street, Drawer 9
Montpelier, VT 05609-1101

Dear Secretary Markowitz,

I would like to thank you for the work you and the state of Vermont have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, or email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Vermont's existing election code and procedures, I have identified nine initiatives that the Vermont legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Vermont's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 2,878 Uniformed Services members, an estimated 2,000 family members and approximately 8,000 overseas citizens that claim Vermont as their voting residence.

As you review the enclosed initiatives for possible inclusion in Vermont's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Vermont 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Vermont military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states have provisions for the 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Vermont currently allows for electronic transmission of the FPCA for registration and ballot request and electronically sending the blank ballot to the voter. We encourage enacting legislation for acceptance of the voted ballot electronically from the voter

where circumstances would otherwise disenfranchise a citizen. Below is sample legislation that will provide for this alternative.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Vermont's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Removal of Notary Requirement

Current Vermont election law requires that the FPCA used to register must be notarized. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, many small military installations may have no commissioned officer assigned.

We recommend unregistered applicants be instructed to read the Oath prior to signing the FPCA and subscribe to a self-administered "Voter's Oath". For the reasons stated above, we

recommend **removal of the notary requirement for the FPCA**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Vermont **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

State Write-In Absentee Ballot

We also recommend Vermont provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from the State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now have state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. Thirty-seven states have modified state election code to reference UOCAVA.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

The Honorable Sam Reed
Secretary of State
Legislative Building, 2nd Floor
P.O. Box 40220
Olympia, WA 98504-0220

Dear Secretary Reed,

I would like to thank you for the work you and the state of Washington have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. Washington is to be commended for the recent enactment of legislation providing online registration to Washington residents who have either a Washington state driver's license or state identification card. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as utilizing digital signatures with electronically transmitted materials.

After reviewing Washington's existing election code and procedures, I have identified six initiatives that the Washington legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Washington's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 52,416 Uniformed Services members, an estimated 39,000 family members and approximately 76,000 overseas citizens that claim Washington as their voting residence.

As you review the enclosed initiatives for possible inclusion in Washington's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Washington 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Washington enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests and allows electronic transmission of the blank ballot. However, we recommend expanded use of this alternative to include accepting the electronic transmission of the voted ballot without the requirement to return the original document prior to election certification.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Washington's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Seventeen** states have

passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that **Washington allow persons recently separated from the Uniformed Services, the merchant marine or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting Washington's 15-day late registration deadline. We recommend that *UOCAVA* citizens be permitted to register up to the day of the next ensuing election when these circumstances arise.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend

that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the state Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Washington money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

Mr. Kevin J. Kennedy
Executive Director
P.O. Box 2973
17 West Main Street, Suite 310
Madison, WI 53701-2973

Dear Mr. Kennedy,

I would like to thank you for the work you and the state of Wisconsin have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Wisconsin's existing election code and procedures, I have identified six initiatives that the Wisconsin legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Wisconsin's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 14,740 Uniformed Services members, an estimated 11,000 family members and approximately 68,000 overseas citizens that claim Wisconsin as their voting residence.

As you review the enclosed initiatives for possible inclusion in Wisconsin's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Wisconsin 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Wisconsin military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Although Wisconsin local election officials mail absentee ballots 30 days before the Fall partisan and 21 days before the Spring nonpartisan elections, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Wisconsin enacted legislation to provide for the electronic

transmission of the FPCA for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Wisconsin permits the transmission of an absentee ballot electronically. The voted ballot must be returned by mail or in person.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wisconsin's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Sixteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Wisconsin election law requires that, for military and overseas voters, the certificate-affidavit on the ballot return envelope must be witnessed by one adult U.S. citizen. We recommend **removal of the notary and witness requirements for all absentee balloting materials**. Fifty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Wisconsin accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable Betty Ireland
Secretary of State
1900 Kanawha Blvd, E
Building 1-Suite 157K
Charleston, West Virginia 25305

Dear Secretary Ireland,

I would like to thank you for the work you and the state of West Virginia have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing West Virginia's existing election code and procedures, I have identified four initiatives that the West Virginia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for West Virginia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 10,272 Uniformed Services members, an estimated 7,700 family members and approximately 25,500 overseas citizens that claim West Virginia as their voting residence.

As you review the enclosed initiatives for possible inclusion in West Virginia's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

West Virginia 2008 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **West Virginia's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **West Virginia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend West Virginia provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to Uniformed Services voters and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are currently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

For those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure

enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information that is requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the chief election officer.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Max Maxfield
Secretary of State
Office of the Secretary of State
State Capitol Building
Cheyenne, WY 82002-0020

Dear Secretary Maxfield,

I would like to thank you and the state of Wyoming for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Wyoming's existing election code and procedures, I have identified five initiatives that the Wyoming legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Wyoming's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 5,943 Uniformed Services members, 4,000 family members and approximately 8,000 overseas citizens that claim Wyoming as their voting residence.

As you review the enclosed initiatives for possible inclusion in Wyoming's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Wyoming 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure near real-time delivery of election materials between the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time substantially.

We note that Wyoming permits absentee ballot requests to be made by telephone and email. We encourage the further use of electronic transmission to include electronically sending the Federal Post Card Application (FPCA) for registration and absentee ballot request, sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the merchant marine, or their family members, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wyoming's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe,

by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

State Write-In Absentee Ballot

We recommend that Wyoming provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies

and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*

- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

The Honorable Sean Parnell
Lieutenant Governor
P.O. Box 110017
Juneau, AK 99811-0017

Dear Lieutenant Governor Parnell,

I would like to thank you for the work you and the state of Alaska have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, and utilizing digital signatures with electronically transmitted materials.

After reviewing Alaska's existing election code and procedures, I have identified six initiatives that the Alaska legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Alaska's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 37,166 Uniformed Services members, an estimated 27,000 family members and approximately 8,000 overseas citizens that claim Alaska as their voting residence.

As you review the enclosed initiatives for possible inclusion in Alaska's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Alaska 2008 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alaska's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alaska money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he

or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Elimination of Witness/Notary Requirement

Alaska requires that the signature on the voter's certificate on the ballot return envelope be witnessed, and signed and dated by the witness. We recommend that **Alaska eliminate the requirement for voting materials to be witnessed for uniformed service members and overseas citizens.** While such requirements may be appropriate for local or in-state absentee

balloting, they create an additional burden to the uniformed service and/or overseas voters in order to request an absentee ballot and/or to return a voted ballot.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot need not be notarized or witnessed in order to be counted.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Alaska accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although *UOCAVA* voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

The Honorable Beth Chapman
Secretary of State
State Capitol, Room S-105
600 Dexter Avenue
Montgomery, AL 36104

Dear Secretary Chapman,

I would like to thank you for the work you and the state of Alabama have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Alabama's existing election code and procedures, I have identified seven initiatives that the Alabama legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Alabama's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 18,854 Uniformed Services members, an estimated 14,000 family members and approximately 59,000 overseas citizens that claim Alabama as their voting residence.

As you review the enclosed initiatives for possible inclusion in Alabama's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Alabama 2007 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Alabama's use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. **Sixteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. **Fifty** states allow electronic transmission of at least part of the absentee voting process. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alabama's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of

Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that Alabama **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have

never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

State Special Write-In Absentee Ballot

We recommend Alabama provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB.

However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee

ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alabama money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Elimination of Witness/Notary Requirement

Alabama absentee ballot return envelope contains an affidavit which must be sworn to before a commissioned officer, notary or other person authorized to administer oaths, or two witnesses (18 years or older). We recommend that **Alabama eliminate the requirement for voting materials to be notarized or witnessed for uniformed service members and overseas citizens**. While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and/or overseas voters in order to return a voted ballot. Additionally, many overseas citizens who are not able to visit a U.S. embassy or consular office are forced to pay high fees for notarization or witnessing services in order to participate in the balloting process.

Sample Language (suggested if notarization/witness is required for local or in-state absentee ballot)

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

Mr. Rex Quidilla
Chief Elections Officer
Office of Elections
802 Lehua Avenue
Pearl City, HI 96782

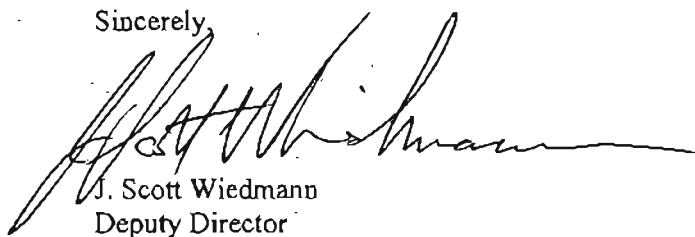
Dear Mr. Quidilla,

I would like to thank you for the work you and the state of Hawaii have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Hawaii's existing election code and procedures, I have identified four initiatives that the Hawaii legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Hawaii's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 5,447 Uniformed Services members, an estimated 4,000 family members and approximately 17,000 overseas citizens that claim Hawaii as their voting residence.

As you review the enclosed initiatives for possible inclusion in Hawaii's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Hawaii 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Hawaii military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-three** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Hawaii allow persons recently separated from the Uniformed Services, the merchant marine, or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Although Hawaii Revised Statute Section 15-3 states "...any former registered voter of Hawaii may vote an absentee ballot in any presidential election occurring within twenty-four months after leaving Hawaii...", This statute does not cover members of the Uniformed Services, the merchant marine, or citizens employed overseas, and family members that have been away for over 24 months. Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. A special late registration procedure for these circumstances would solve this problem. **Twenty-nine** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. While Hawaii offers electronic transmission of election materials, the fact remains that by **expanding the use of the FWAB to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Hawaii money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

State Special Write-In Absentee Ballot

We also recommend Hawaii provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the

state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

Mr. Daniel White
Executive Director
State Board of Elections
1020 S Spring Street
Springfield, IL 62708

Dear Mr. White,

I would like to thank you for the work you and the state of Illinois have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Illinois's existing election code and procedures, I have identified nine initiatives that the Illinois legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Illinois' citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 56,125 Uniformed Services members, an estimated 42,000 family members and approximately 161,000 overseas citizens that claim Illinois as their voting residence.

As you review the enclosed initiatives for possible inclusion in Illinois's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Illinois 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Illinois enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for ballot requests by members of the Armed Forces. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise them. **Sixteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Illinois' **State Board of Elections/Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their

right to vote. The State Board of Elections/Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission or fax. As an example, in light of the surge of Guard and Reserve forces being deployed, the State Board of Elections/Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The State Board of Elections/Chief Election Official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The State Board of Elections/Chief Election Official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the State Board of Elections/Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The State Board of Elections/Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expansion of Late Registration Procedures

Illinois currently allows members of the Armed Forces or merchant marine, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Illinois expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's 30-day residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all *UOCAVA* citizens.

Sample Language

An individual or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the

regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Application for Ballot by Proxy to Overseas Citizens

Currently, Illinois allows spouses, and other family members, to use a special application provided by the local election official to request that an absentee ballot be mailed to members of the Uniformed Services. **We recommend this option be expanded to allow spouses and other family members of overseas civilian citizens to request an absentee ballot be mailed to them.**

Sample Language

If a spouse, dependent, mother, father, sister or brother of a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is registered to vote in the same county as that citizen, he or she may request that an absentee ballot be mailed to that voter by completing a special application provided by the local election official.

State Special Write-In Absentee Ballot

We also recommend Illinois provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB

was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 10 of the Illinois Election Laws makes no reference to Federal law. In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which the Federal Voting Assistance Program administers. **Reference to the UOCAVA in the state election code** would help election officials and interested citizens find guidance to applicable federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions

allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Illinois money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

(3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Illinois **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

The Honorable William F. Galvin
Secretary of the Commonwealth
State House, Room 337
Boston, MA 02133

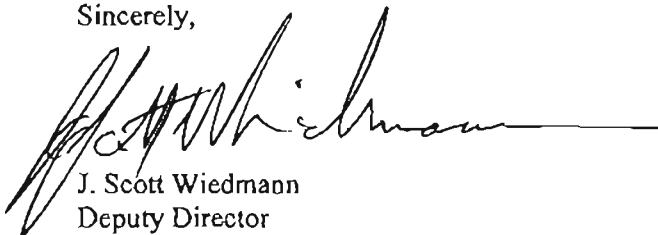
Dear Secretary Galvin,

I would like to thank you for the work you and the Commonwealth of Massachusetts have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, or email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Massachusetts's existing election code and procedures, I have identified seven initiatives that the Massachusetts legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Massachusetts' citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UCAVA)*. Information available to FVAP indicates that there are 11,098 Uniformed Services members, an estimated 8,000 family members and approximately 85,000 overseas citizens that claim Massachusetts as their voting residence.

As you review the enclosed initiatives for possible inclusion in Massachusetts's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Massachusetts 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Massachusetts military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. The fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Massachusetts provides 45-day transit time for Primary elections (35 days before election and 10 days extended counting after election). However, expanding this provision to **all elections** would help ensure enfranchisement. **Forty-one** states now allow 45-day ballot transit time for general elections.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Massachusetts has enacted legislation allowing citizens to send the Federal Post Card Application (FPCA) via electronic transmission. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot via electronic transmission from these voters where circumstances would otherwise disenfranchise them. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Massachusetts' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

State Special Write-In Absentee Ballot

We also recommend Massachusetts provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. We realize Massachusetts provides a special write-in absentee ballot if the local election official does not have the regular state ballot available for mailing. However, expanding this provision by making this ballot available upon request by UOCAVA citizens and expanding its use for all elections would help ensure enfranchisement. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector

cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for local, state and Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information

requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Massachusetts money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

Massachusetts requires that voted ballots from Military members and U.S. citizens overseas be postmarked. We recommend that **Massachusetts accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although *UOCAVA* voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

The Honorable Terri Lynn Land
Secretary of State
Richard H. Austin Building, 4th Floor
430 W. Allegan Street
Lansing, MI 48918-9900

Dear Secretary Land,

I would like to thank you for the work you and the state of Michigan have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. Michigan is to be commended for the recent enactment of legislation to eliminate the affidavit/notary requirement and waiving the 30-day registration deadline for Michigan citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Michigan's existing election code and procedures, I have identified five initiatives that the Michigan legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Michigan's citizens covered by the *UOCAVA*. Information available to FVAP indicates that there are 44,054 Uniformed Services members, an estimated 33,000 family members and approximately 127,000 overseas citizens that claim Michigan as their voting residence.

As you review the enclosed initiatives for possible inclusion in Michigan's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Michigan 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the blank ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Michigan **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Special Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for **all elections.** The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he

or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Michigan money and alleviate administrative responsibilities on the part of the local election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.*



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

The Honorable Brad Johnson
Secretary of State
State Capitol, Room 260
PO Box 202801
Helena, MT 59620-2801

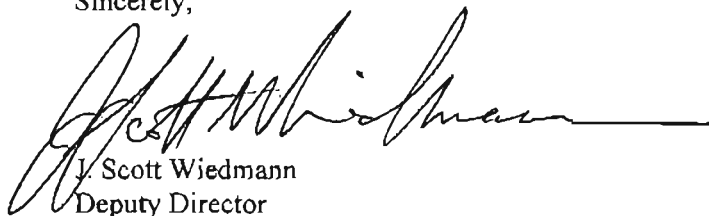
Dear Secretary Johnson,

I would like to thank you for the work you and the state of Montana have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Montana's existing election code and procedures, I have identified four initiatives that the Montana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Montana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 9,097 Uniformed Services members, an estimated 6,000 family members and approximately 8,000 overseas citizens that claim Montana as their voting residence.

As you review the enclosed initiatives for possible inclusion in Montana's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, reading "J. Scott Wiedmann", is positioned above the typed name and title.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Montana 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Montana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

We realize Montana mails absentee ballots approximately 30 days before primary elections for Federal office and approximately 45 days before general elections for Federal office. However, we recommend Montana mail absentee ballots at least 45 days before all elections. **Twenty-six** states now allow 45-day ballot transit time for all elections. **Forty-one** states allow 45-day ballot transit time for general elections.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Montana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

State Special Write-in Absentee Ballot

We also recommend that Montana provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. In comparison, the FWAB is generally only

available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **Thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

The Honorable John Gale
Secretary of State
State Capitol, Suite 2300
P.O. Box 94608
Lincoln, NE 68509-4608

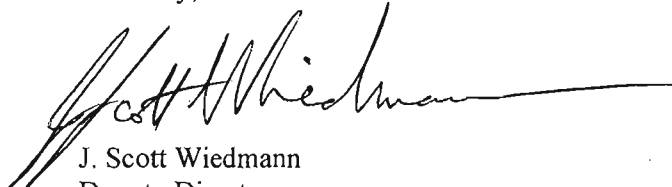
Dear Secretary Gale,

I would like to thank you for the work you and the state of Nebraska have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States like Nebraska with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Nebraska's existing election code and procedures, I have identified one initiative that the Nebraska legislature might consider during the upcoming legislative session. The initiative is discussed in detail with suggested wording in the enclosed document. If the initiative is enacted and signed into law, it would significantly help to facilitate the absentee voting process for Nebraska's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 6,795 Uniformed Services members, an estimated 5,000 family members and approximately 25,000 overseas citizens that claim Nebraska as their voting residence.

As you review the initiative for possible inclusion in Nebraska's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Nebraska 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Nebraska enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests and allows electronic transmission of the blank ballot to Uniformed Service members and civilians outside the United States. However, we recommend expanded use of this alternative to include electronically sending the blank ballot to all citizens covered by UOCAVA, and accepting the voted ballot from these citizens where circumstances would otherwise disenfranchise them. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

The Honorable Bill Bradbury
Secretary of State
136 State Capitol Building
Salem, OR 97310-0722

Dear Secretary Bradbury,

I would like to thank you for the work you and the state of Oregon have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Oregon's existing election code and procedures, I have identified six initiatives that the Oregon legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Oregon's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 19,235 Uniformed Services members, an estimated 14,000 family members and approximately 42,000 overseas citizens that claim Oregon as their voting residence.

As you review the enclosed initiatives for possible inclusion in Oregon's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Oregon 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oregon military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Oregon provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. **Twenty-six** states now provide a 45-day transit time for all elections.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Oregon has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request and electronic transmission of the blank ballot. We encourage expanded use of this alternative to include acceptance of the voted ballot from the voter by electronic transmission where circumstances would otherwise disenfranchise a citizen. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send a blank ballot to a voter and accept voted ballots via electronic transmission from eligible electors.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Oregon's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. **Seventeen** states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expansion of Late Registration Procedures

We realize that Oregon allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be**

exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all *UOCAVA* citizens.

Sample Language

A person who has been discharged or separated from the Uniformed Services or the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under *UOCAVA*.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be

used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB voter declaration as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save Oregon money and alleviate administrative responsibilities of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

Mr. Ramon E. Gomez Colon
President
State Elections Commission
P.O. Box 195552
San Juan, PR 00919-5552

Dear Mr. Gomez Colon,

I would like to thank you for the work you and the Commonwealth of Puerto Rico have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Puerto Rico's existing election code and procedures, I have identified nine initiatives that the Puerto Rico legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Puerto Rico's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 6,261 Uniformed Services members, an estimated 4,000 family members and approximately 8,000 overseas citizens that claim Puerto Rico as their voting residence.

As you review the enclosed initiatives for possible inclusion in Puerto Rico's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Puerto Rico 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although Puerto Rico currently allows electronic transmission of the FPCA, including fax and email, we encourage expansion of these alternative to include electronically sending the blank ballot to the voter, and electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise them. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The Commonwealth Elections Commission may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Puerto Rico's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Seventeen** states and territories have

passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this commonwealth, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the Commonwealth.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Elimination of Witness/Notary Requirement

Current Puerto Rico election law requires that the FPCA and the ballot return envelope must be sworn to by a person authorized to administer oaths. Depending on the category of *UOCAVA* voter, the oath must be administered by a commissioned officer, the highest officer on board ship, an official in the school registrar's office, a notary public, or a consular officer. We recommend that **Puerto Rico eliminate the requirement for voting materials to be notarized for uniformed service members and overseas citizens.** While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and overseas voters in order to request an absentee ballot and to return a voted ballot. Additionally, many overseas citizens who are not able to visit a U.S. embassy or consular office are forced to pay high fees for notarization or witnessing services in order to participate in the balloting process. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We strongly recommend **removal of the notary requirement for all absentee balloting materials.** Fifty states and territories have eliminated the notary requirement on all election materials.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that **Puerto Rico allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in Puerto Rico just prior to an election and this time frame does not meet Puerto Rico's normal residency requirements. Often, the date of discharge or termination of overseas employment and a commonwealth's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states and territories currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular commonwealth deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Special Write-In Absentee Ballot

We also recommend that Puerto Rico provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from Puerto Rico in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular absentee ballot from Puerto Rico does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the

FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. Puerto Rico will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the commonwealth's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

- (3) the request is received by the appropriate commonwealth election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save the commonwealth money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, commonwealth and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the commonwealth of Puerto Rico;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate Puerto Rico election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Commonwealth Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the commonwealth's election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. **Thirty-seven** states and territories now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the Commonwealth of Puerto Rico has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Puerto Rico accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although *UOCAVA* voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

Ms. Nancy Rodriguez
Secretary, State Board of Elections
200 N. 9th St., Ste. 101
Richmond, VA 23219-3497

Dear Ms. Rodriguez,

I would like to thank you for the work you and the Commonwealth of Virginia have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. Virginia is to be commended for the recent enactment of legislation that expands the use of electronic transmission of voting materials. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Virginia's existing election code and procedures, I have identified five initiatives that the Virginia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Virginia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 34,166 Uniformed Services members, an estimated 25,000 family members and approximately 93,000 overseas citizens that claim Virginia as their voting residence.

As you review the enclosed initiatives for possible inclusion in Virginia's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Virginia 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We realize Virginia allows electronic transmission of the FPCA for absentee ballot request and receipt of the blank ballot. We continue to support your innovative electronic voting projects; however, we also continue to encourage expanded use of electronic transmission to include accepting the voted ballot from the voter electronically where circumstances would otherwise disenfranchise a citizen. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An election official may send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have already passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Special Write-In Absentee Ballot

We recommend Virginia expand use of the special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-six** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB.

However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently, Virginia law allows the Federal Write-In Absentee Ballot (FWAB) to be used in all elections and from inside or outside the United States. However, we continue to recommend that the FWAB voter declaration be accepted as **a request for registration simultaneously with the submission of the completed FWAB**. We realize that legislation has been passed providing that the FWAB can be used to serve as **an application** for an absentee ballot and the absentee ballot itself for Federal offices provided the Registrar received it not less than five days prior to the election. Consideration should be given to simplify the registration and request for absentee ballot request process and improve ballot transit time through the combined use of the FWAB for registration and absentee ballot simultaneously. It should be noted that the information requested on the FWAB Affirmation/Declaration, is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). This does not change the data required from your state for these citizens. The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is outside the U.S. or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state .*

Elimination of Witness/Notary Requirement

We recommend that Virginia **eliminate the requirement for voting materials to be witnessed for uniformed service members and overseas citizens**. While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and/or overseas voters in order to request an absentee ballot and/or to return a voted ballot. Additionally, many overseas citizens who are not able to visit a U.S. embassy or consular office are forced to pay high fees for notarization or witnessing services in order to participate in the balloting process.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

The Honorable Deborah Markowitz
Secretary of State
26 Terrace Street, Drawer 9
Montpelier, VT 05609-1101

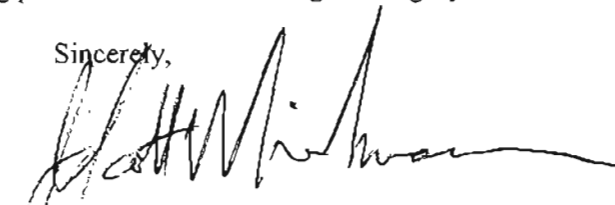
Dear Secretary Markowitz,

I would like to thank you for the work you and the state of Vermont have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, or email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Vermont's existing election code and procedures, I have identified nine initiatives that the Vermont legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Vermont's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 2,878 Uniformed Services members, an estimated 2,000 family members and approximately 8,000 overseas citizens that claim Vermont as their voting residence.

As you review the enclosed initiatives for possible inclusion in Vermont's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Vermont 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Vermont military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states have provisions for the 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Vermont currently allows for electronic transmission of the FPCA for registration and ballot request and electronically sending the blank ballot to the voter. We encourage enacting legislation for acceptance of the voted ballot electronically from the voter

where circumstances would otherwise disenfranchise a citizen. Below is sample legislation that will provide for this alternative.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Vermont's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Removal of Notary Requirement

Current Vermont election law requires that the FPCA used to register must be notarized. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid **\$90** to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, many small military installations may have no commissioned officer assigned.

We recommend unregistered applicants be instructed to read the Oath prior to signing the FPCA and subscribe to a self-administered "Voter's Oath". For the reasons stated above, we

recommend **removal of the notary requirement for the FPCA**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Vermont **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

State Write-In Absentee Ballot

We also recommend Vermont provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from the State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now have state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. Thirty-seven states have modified state election code to reference UOCAVA.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 24, 2007

The Honorable Sam Reed
Secretary of State
Legislative Building, 2nd Floor
P.O. Box 40220
Olympia, WA 98504-0220

Dear Secretary Reed,

I would like to thank you for the work you and the state of Washington have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. Washington is to be commended for the recent enactment of legislation providing online registration to Washington residents who have either a Washington state driver's license or state identification card. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as utilizing digital signatures with electronically transmitted materials.

After reviewing Washington's existing election code and procedures, I have identified six initiatives that the Washington legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Washington's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 52,416 Uniformed Services members, an estimated 39,000 family members and approximately 76,000 overseas citizens that claim Washington as their voting residence.

As you review the enclosed initiatives for possible inclusion in Washington's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Washington 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Washington enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests and allows electronic transmission of the blank ballot. However, we recommend expanded use of this alternative to include accepting the electronic transmission of the voted ballot without the requirement to return the original document prior to election certification.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Washington's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Seventeen** states have

passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that **Washington allow persons recently separated from the Uniformed Services, the merchant marine or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting Washington's 15-day late registration deadline. We recommend that *UOCAVA* citizens be permitted to register up to the day of the next ensuing election when these circumstances arise.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend

that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the state Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Washington money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

September 17, 2007

Ms. Linda H. Lamone
Administrator
State Board of Elections
P.O. Box 6486
Annapolis, MD 21401-0486

Dear Ms. Lamone,

I would like to thank you for the work you and the state of Maryland have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Maryland's existing election code and procedures, I have identified six initiatives that the Maryland legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Maryland citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 16,802 Uniformed Services members, an estimated 12,000 family members and approximately 68,000 overseas citizens that claim Maryland as their voting residence.

As you review the enclosed initiatives for possible inclusion in Maryland's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

The Honorable Ross Miller
Secretary of State
101 North Carson Street, Suite 3
Carson City, NV 89701

Dear Secretary Miller,

I would like to thank you for the work you and the state of Nevada have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Nevada's existing election code and procedures, I have identified six initiatives that the Nevada legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Nevada's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 15,491 Uniformed Services members, an estimated 11,000 family members and approximately 25,000 overseas citizens that claim Nevada as their voting residence.

As you review the enclosed initiatives for possible inclusion in Nevada's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

The Honorable Anne Milgram
Attorney General
Richard J. Hughes - Justice Complex
25 Market Street, CN 080
Trenton, NJ 08625-0300

Dear Attorney General Milgram,

I would like to thank you for the work you and the state of New Jersey have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New Jersey's existing election code and procedures, I have identified six initiatives that the New Jersey legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Jersey's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 22,687 Uniformed Services members, an estimated 15,000 family members and approximately 111,000 overseas citizens that claim New Jersey as their voting residence.

As you review the enclosed initiatives for possible inclusion in New Jersey's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

Mr. Thomas E. Prince
Chairman
State Election Board
P.O. Box 53156
Oklahoma City, OK 73152

Dear Mr. Prince,

I would like to thank you for the work you and the state of Oklahoma have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Oklahoma's existing election code and procedures, I have identified two initiatives that the Oklahoma legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Oklahoma's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 14,535 Uniformed Services members, an estimated 10,000 family members and approximately 42,000 overseas citizens that claim Oklahoma as their voting residence.

As you review the enclosed initiatives for possible inclusion in Oklahoma's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

The Honorable A. Ralph Mollis
Secretary of State
Room 217, State House
Providence, RI 02903

Dear Secretary Mollis,

I would like to thank you for the work you and the state of Rhode Island have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Rhode Island's existing election code and procedures, I have identified two initiatives that the Rhode Island legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Rhode Island's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 2,504 Uniformed Services members, an estimated 1,800 family members and approximately 17,000 overseas citizens that claim Rhode Island as their voting residence.

As you review the enclosed initiatives for possible inclusion in Rhode Island's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

Ms. Marci Andino
Executive Director
State Election Commission
PO Box 5987
Columbia, SC 29250-5987

Dear Ms. Andino,

I would like to thank you for the work you and the state of South Carolina have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing South Carolina's existing election code and procedures, I have identified three initiatives that the South Carolina legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for South Carolina's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 18,667 Uniformed Services members, an estimated 14,000 family members and approximately 51,000 overseas citizens that claim South Carolina as their voting residence.

As you review the enclosed initiatives for possible inclusion in South Carolina's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

Ms. Alice Miller
Executive Director
Board of Elections and Ethics
One Judiciary Square
441 4th Street NW, Suite 250 North
Washington, DC 20001

Dear Ms. Miller,

I would like to thank you for the work you and the District of Columbia have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing the District of Columbia's existing election code and procedures, I have identified six initiatives that the District of Columbia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for the District of Columbia's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 907 Uniformed Services members, an estimated 600 family members and many overseas citizens that claim the District of Columbia as their voting residence.

As you review the enclosed initiatives for possible inclusion in the District of Columbia's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

The Honorable Michael W. Cruz
Lieutenant Governor
PO Box 2950
Agana, GU 96910

Dear Lieutenant Governor Cruz,

I would like to thank you for the work you and the territory of Guam have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Guam's existing election code and procedures, I have identified eight initiatives that the Guam legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Guam's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 381 Uniformed Services members, an estimated 300 family members and many overseas citizens that claim Guam as their voting residence.

As you review the enclosed initiatives for possible inclusion in Guam's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

The Honorable Susan Bysiewicz
Secretary of State
Office of the Secretary of State
State Capitol, Room 104
Hartford, CT 06106

Dear Secretary Bysiewicz,

I would like to thank you for the work you and the state of Connecticut have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Connecticut's existing election code and procedures, I have identified seven initiatives that the Connecticut legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Connecticut's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 8,981 Uniformed Services members, an estimated 6,700 family members and approximately 42,000 overseas citizens that claim Connecticut as their voting residence.

As you review the enclosed initiatives for possible inclusion in Connecticut's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

The Honorable Kurt S. Browning
Secretary of State
R.A. Gray Building
500 S. Bronough
Tallahassee, FL 32399-0250

Dear Secretary Browning,

I would like to thank you for the work you and the state of Florida have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Florida's existing election code and procedures, I have identified four initiatives that the Florida legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Florida's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 194,209 Uniformed Services members, an estimated 146,000 family members and approximately 212,000 overseas citizens that claim Florida as their voting residence.

As you review the enclosed initiatives for possible inclusion in Florida's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

The Honorable Karen Handel
Secretary of State
State Capitol, Room 214
Atlanta, GA 30334

Dear Secretary Handel,

I would like to thank you for the work you and the state of Georgia have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Georgia's existing election code and procedures, I have identified five initiatives that the Georgia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Georgia's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 33,117 Uniformed Services members, an estimated 25,000 family members and approximately 110,000 overseas citizens that claim Georgia as their voting residence.

As you review the enclosed initiatives for possible inclusion in Georgia's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

The Honorable Ben Ysursa
Secretary of State
State Capitol, Room 203
Boise, ID 83720-0080

Dear Secretary Ysursa,

I would like to thank you for the work you and the state of Idaho have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Idaho's existing election code and procedures, I have identified six initiatives that the Idaho legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Idaho's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 8,698 Uniformed Services members, an estimated 6,500 family members and approximately 17,000 overseas citizens that claim Idaho as their voting residence.

As you review the enclosed initiatives for possible inclusion in Idaho's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

The Honorable Michael A. Mauro
Secretary of State
Office of the Secretary of State
Lucas Building, 1st Floor
321 E 12th Street
Des Moines, IA 50319

Dear Secretary Mauro,

I would like to thank you for the work you and the state of Iowa have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Iowa's existing election code and procedures, I have identified three initiatives that the Iowa legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Iowa's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 8,722 Uniformed Services members, an estimated 6,500 family members and approximately 42,000 overseas citizens that claim Iowa as their voting residence.

As you review the enclosed initiatives for possible inclusion in Iowa's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Alabama 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to Alabama's use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen. **Sixteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. **Fifty** states allow electronic transmission of at least part of the absentee voting process. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alabama's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of

Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that Alabama **allow persons recently separated from the Uniformed Services, merchant marine or overseas employment, and their family members, to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, the merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have

never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

State Special Write-In Absentee Ballot

We recommend Alabama provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB.

However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee

ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alabama money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Elimination of Witness/Notary Requirement

Alabama absentee ballot return envelope contains an affidavit which must be sworn to before a commissioned officer, notary or other person authorized to administer oaths, or two witnesses (18 years or older). We recommend that **Alabama eliminate the requirement for voting materials to be notarized or witnessed for uniformed service members and overseas citizens**. While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and/or overseas voters in order to return a voted ballot. Additionally, many overseas citizens who are not able to visit a U.S. embassy or consular office are forced to pay high fees for notarization or witnessing services in order to participate in the balloting process.

Sample Language (suggested if notarization/witness is required for local or in-state absentee ballot)

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Alaska 2008 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Alaska's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Alaska money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he

or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Elimination of Witness/Notary Requirement

Alaska requires that the signature on the voter's certificate on the ballot return envelope be witnessed, and signed and dated by the witness. We recommend that **Alaska eliminate the requirement for voting materials to be witnessed for uniformed service members and overseas citizens.** While such requirements may be appropriate for local or in-state absentee

balloting, they create an additional burden to the uniformed service and/or overseas voters in order to request an absentee ballot and/or to return a voted ballot.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot need not be notarized or witnessed in order to be counted.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Alaska accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

American Samoa 2008 Legislative Initiatives and Sample Language

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face American Samoa military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow the chief election officer more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that American Samoa allows the electronic transmission of the FPCA for registration and absentee ballot request. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The chief election officer may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that American Samoa's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current American Samoa election law requires that the FPCA must be sworn to by a person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Fifty states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S. or the Territories

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a citizen outside the Territory who has never lived in the Territory has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that American Samoa **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-nine states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend American Samoa provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from American Samoa in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these

elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.

The adoption of this initiative would save the territory money and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the territory;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable Charlie Daniels
Secretary of State
State Capitol Building, Room 256
Little Rock, Arkansas 72201

Dear Secretary Daniels,

I would like to thank you for the work you and the state of Arkansas have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Arkansas's existing election code and procedures, I have identified nine initiatives that the Arkansas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Arkansas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 10,686 Uniformed Services members, an estimated 8,000 family members and approximately 34,000 overseas citizens that claim Arkansas as their voting residence.

As you review the enclosed initiatives for possible inclusion in Arkansas's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Arkansas 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arkansas military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Arkansas enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and that registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballots.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arkansas's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Arkansas allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Arkansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the State money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 7-5-406 of the Arkansas Election Laws refers to the Overseas Citizens Voting Rights Act of 1975. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the *Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Arkansas **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Arizona 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arizona military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Arkansas 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arkansas military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Arkansas enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and that registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballots.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Arkansas's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Arkansas allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Arkansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the State money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 7-5-406 of the Arkansas Election Laws refers to the Overseas Citizens Voting Rights Act of 1975. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Arkansas **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

Mr. Soliai T. Fuimaono
Chief Election Officer
PO Box 3970
Pago Pago, AS 96799-3970

Dear Mr. Fuimaono,

I would like to thank you for the work you and American Samoa have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing American Samoa's existing election code and procedures, I have identified eight initiatives that the American Samoan legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for American Samoa's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 523 Uniformed Services members, an estimated 350 family members and many overseas citizens that claim American Samoa as their voting residence.

As you review the enclosed initiatives for possible inclusion in American Samoa's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

American Samoa 2008 Legislative Initiatives and Sample Language

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face American Samoa military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow the chief election officer more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that American Samoa allows the electronic transmission of the FPCA for registration and absentee ballot request. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The chief election officer may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that American Samoa's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current American Samoa election law requires that the FPCA must be sworn to by a person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Fifty states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S. or the Territories

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a citizen outside the Territory who has never lived in the Territory has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that American Samoa **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-nine states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend American Samoa provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from American Samoa in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. Twenty-seven states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these

elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.

The adoption of this initiative would save the territory money and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the territory;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

- (3) *the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by American Samoa.*



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable Jan Brewer
Secretary of State
7th Floor, State Capitol
1700 W. Washington
Phoenix, Arizona 85007-2808

Dear Secretary Brewer,

I would like to thank you for the work you and the state of Arizona have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Arizona's existing election code and procedures, I have identified two initiatives that the Arizona legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Arizona's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 21,293 Uniformed Services members, an estimated 15,970 family members and approximately 68,000 overseas citizens that claim Arizona as their voting residence.

As you review the enclosed initiatives for possible inclusion in Arizona's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Arizona 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Arizona military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Expand Use of Federal Write-In Absentee Ballot

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

The Honorable Debra Bowen
Secretary of State
1500 11th Street
Sacramento, CA 95814-2974

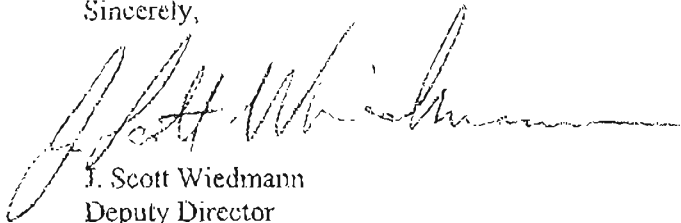
Dear Secretary Bowen,

I would like to thank you for the work you and the state of California have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing California's existing election code and procedures, I have identified four initiatives that the California legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for California's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 130,064 Uniformed Services members, an estimated 97,000 family members and approximately 450,000 overseas citizens that claim California as their voting residence.

As you review the enclosed initiatives for possible inclusion in California's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

California 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face California military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that California's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. Fifteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

California 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face California military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that California's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. Fifteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

September 17, 2007

Honorable Jan Brewer
Secretary of State
7th Floor, State Capitol
1700 W. Washington
Phoenix, Arizona 85007-2808

Dear Secretary Brewer,

I would like to thank you for the work you and the state of Arizona have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Arizona's existing election code and procedures, I have identified two initiatives that the Arizona legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Arizona's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 21,293 Uniformed Services members, an estimated 15,970 family members and approximately 68,000 overseas citizens that claim Arizona as their voting residence.

As you review the enclosed initiatives for possible inclusion in Arizona's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

Honorable Trey Grayson
Secretary of State
700 Capital Avenue, Suite 152
Frankfort, Kentucky 40601-3493

Dear Secretary Grayson,

I would like to thank you for the work you and the state of Kentucky have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Kentucky's existing election code and procedures, I have identified seven initiatives that the Kentucky legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Kentucky's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 10,559 Uniformed Services members, an estimated 7,919 family members and approximately 51,000 overseas citizens that claim Kentucky as their voting residence.

As you review the enclosed initiatives for possible inclusion in Kentucky's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

Honorable Jay Dardenne
Secretary of State
P.O Box 94125
Baton Rouge, Louisiana 70804

Dear Secretary Dardenne,

I would like to thank you for the work you and the state of Louisiana have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Louisiana's existing election code and procedures, I have identified five initiatives that the Louisiana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Louisiana's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 18,554 Uniformed Services members, an estimated 13,916 family members and approximately 59,500 overseas citizens that claim Louisiana as their voting residence.

As you review the enclosed initiatives for possible inclusion in Louisiana's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

Honorable Matthew Dunlap
Secretary of State
148 State House Station
Augusta, Maine 04333-0148

Dear Secretary Dunlap,

I would like to thank you for the work you and the state of Maine have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Maine's existing election code and procedures, I have identified seven initiatives that the Maine legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Maine's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 5,337 Uniformed Services members, an estimated 4,003 family members and approximately 17,000 overseas citizens that claim Maine as their voting residence.

As you review the enclosed initiatives for possible inclusion in Maine's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

May 14, 2008

Honorable C. Delbert Hoseman
Secretary of State
P.O Box 136
Jackson, Mississippi 39205-0136

Dear Secretary Hoseman,

I would like to thank you for the work the state of Mississippi has done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Mississippi's existing election code and procedures, I have identified nine initiatives that the Mississippi legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Mississippi's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 11,778 Uniformed Services members, approximately 8,830 family members and an estimated 34,000 overseas citizens that claim Mississippi as their voting residence.

As you review the enclosed initiatives for possible inclusion in Mississippi's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

Honorable William M. Gardner
Secretary of State
State House, Room 204
Concord, New Hampshire 03301

Dear Secretary Gardner,

I would like to thank you for the work you and the state of New Hampshire have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New Hampshire's existing election code and procedures, I have identified seven initiatives that the New Hampshire legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Hampshire's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 8,787 Uniformed Services members, an estimated 6,590 family members and approximately 17,000 overseas citizens that claim New Hampshire as their voting residence.

As you review the enclosed initiatives for possible inclusion in New Hampshire's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

Mr. Peter S. Kosinski
Deputy Executive Director
State Board of Elections
40 Steuben Street
Albany, New York 12207-2109

Dear Mr. Kosinski,

I would like to thank you for the work you and the state of New York have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New York's existing election code and procedures, I have identified seven initiatives that the New York legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New York's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 62,555 Uniformed Services members, an estimated 49,916 family members and approximately 246,500 overseas citizens that claim New York as their voting residence.

As you review the enclosed initiatives for possible inclusion in New York's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

Honorable Alvin Jaeger
Secretary of State
600 East Boulevard Dept 108
Bismarck, North Dakota 58505-0500

Dear Secretary Jaeger,

I would like to thank you for the work you and the state of North Dakota have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing North Dakota's existing election code and procedures, I have identified three initiatives that the North Dakota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for North Dakota's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 3,248 Uniformed Services members, an estimated 2,436 family members and approximately 8,500 overseas citizens that claim North Dakota as their voting residence.

As you review the enclosed initiatives for possible inclusion in North Dakota's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

Honorable Chris Nelson
Secretary of State
State Capitol Building, Suite 204
500 East Capitol
Pierre, South Dakota 57501-5070

Dear Secretary Nelson,

I would like to thank you for the work you and the state of South Dakota have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing South Dakota's existing election code and procedures, I have identified eight initiatives that the South Dakota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for South Dakota's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 8,500 Uniformed Services members, an estimated 6,380 family members and approximately 8,500 overseas citizens that claim South Dakota as their voting residence.

As you review the enclosed initiatives for possible inclusion in South Dakota's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

Mr. John Abramson Jr.
Supervisor of Elections
P.O Box 6038
Emancipation Garden Station, Charlotte Amalie
St. Thomas, Virgin Islands 00801-6038

Dear Mr. Abramson Jr.,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Virgin Islands's existing election code and procedures, I have identified five initiatives that the Virgin Islands legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Virgin Islands's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). There are many uniformed Services members, their family members and overseas citizens that claim Virgin Islands as their voting residence.

As you review the enclosed initiatives for possible inclusion in Virgin Islands's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

Honorable Betty Ireland
Secretary of State
1900 Kanawha Blvd, E
Building 1-Suite 157K
Charleston, West Virginia 25305

Dear Secretary Ireland,

I would like to thank you for the work you and the state of West Virginia have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing West Virginia's existing election code and procedures, I have identified four initiatives that the West Virginia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for West Virginia's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 10,272 Uniformed Services members, an estimated 7,700 family members and approximately 25,500 overseas citizens that claim West Virginia as their voting residence.

As you review the enclosed initiatives for possible inclusion in West Virginia's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

Honorable Charlie Daniels
Secretary of State
State Capitol Building, Room 256
Little Rock, Arkansas 72201

Dear Secretary Daniels,

I would like to thank you for the work you and the state of Arkansas have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Arkansas's existing election code and procedures, I have identified nine initiatives that the Arkansas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Arkansas's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 10,686 Uniformed Services members, an estimated 8,000 family members and approximately 34,000 overseas citizens that claim Arkansas as their voting residence.

As you review the enclosed initiatives for possible inclusion in Arkansas's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

Honorable Pedro A. Cortes
Secretary of the Commonwealth
North Office Building
Harrisburg, Pennsylvania 17120

Dear Secretary Cortes,

I would like to thank you for the work you and the state of Pennsylvania have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Pennsylvania's existing election code and procedures, I have identified five initiatives that the Pennsylvania legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Pennsylvania's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 54,200 Uniformed Services members, an estimated 40,640 family members and approximately 161,500 overseas citizens that claim Pennsylvania as their voting residence.

As you review the enclosed initiatives for possible inclusion in Pennsylvania's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

The Honorable Mike Coffman
Secretary of State
1700 Broadway, Suite 200
Denver, CO 80290

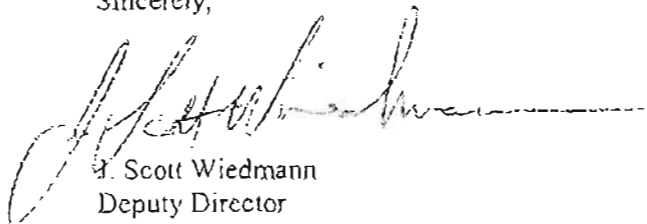
Dear Secretary Coffman,

I would like to thank you for the work you and the state of Colorado have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. Colorado is to be commended for the recent enactment of legislation to enfranchise those Colorado citizens who have never resided in the U.S. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Colorado's existing election code and procedures, I have identified three initiatives that the Colorado legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Colorado's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 17,179 Uniformed Services members, an estimated 12,000 family members and approximately 59,000 overseas citizens that claim Colorado as their voting residence.

As you review the enclosed initiatives for possible inclusion in Colorado's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Colorado 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Colorado military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission of election materials has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We realize Colorado has enacted legislation that allows Uniformed Services members and overseas citizens to submit the FPCA, receive a blank ballot and return the voted ballot by fax. Colorado further permits Uniformed Services members serving outside the U.S. to submit the FPCA, receive a blank ballot and return the voted ballot by electronic mail. We encourage expanded use of this alternative to include the use of fax and electronic mail to all UOCAVA voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A County Clerk and Recorder may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Colorado **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-eight states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Colorado 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Colorado military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-one states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission of election materials has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We realize Colorado has enacted legislation that allows Uniformed Services members and overseas citizens to submit the FPCA, receive a blank ballot and return the voted ballot by fax. Colorado further permits Uniformed Services members serving outside the U.S. to submit the FPCA, receive a blank ballot and return the voted ballot by electronic mail. We encourage expanded use of this alternative to include the use of fax and electronic mail to all UOCAVA voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A County Clerk and Recorder may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We recommend that Colorado **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-eight states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Connecticut 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Connecticut military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize that Connecticut provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-three states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Connecticut enacted legislation to provide for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. However, voters using the FPCA to register are required to simultaneously mail the original, which must arrive by 5:00 p.m. on the day before the election for the ballot to be counted. The electronic transmission methodology is there to ensure the FPCA is received by the state's deadline. If the electronically transmitted FPCA for registration is not recognized until the mail version is received then the availability of electronic transmission is of no benefit to the voter. We realize the original FPCA should be mailed in all cases regardless, however we urge an extension to the acceptance deadline for the original FPCA when the voter has utilized the electronically transmitted option.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Connecticut's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Seventeen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We realize that Connecticut law allows recently discharged members of the military returning to the state too late to register during the regular registration period to register to vote up until 5:00 p.m. on the last weekday before an election. We recommend that **Connecticut allow persons recently separated from overseas employment, and their family members, to be able to register late or be exempt from registration**. Many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet the normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem.

Sample Language

A person who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Connecticut extend the availability of the state write-in absentee ballot to non-Uniformed Services overseas electors. The purpose of the state write-in absentee ballot is to **provide a method for voting by persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-six states now provide state write-in absentee ballots.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Use of the Federal Write-In Absentee Ballot (FWAB)

The state of Connecticut is exempt from use of the Federal Write-In Absentee Ballot (FWAB) by Section 103 (f) in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These statements exempt states that make ballots available to military voters at least 90 days before the general election and as soon as the candidate list is available for other UOCAVA citizens.

The intent of the Federal Write-In Absentee Ballot (FWAB) is to aid the enfranchisement of U.S. citizens overseas wishing to vote for Federal Offices in general elections who make timely application for, but do not receive an absentee ballot.

The intent of the current Connecticut Special Write-In Absentee Ballot is to assist members of the military and their family members who are not able to follow the regular absentee ballot application procedure.

The Connecticut Special Write-In Absentee Ballot does not accommodate citizens who request a state absentee ballot in a timely manner and do not receive it in time to vote and return it to meet the state's ballot deadline. The FWABs, which are prepositioned at military installations and U.S. Embassies and Consulates worldwide fulfill this purpose for all overseas U.S. citizens except those whose legal residence is Connecticut.

We recommend that **Connecticut allow overseas UOCAVA citizens who have requested a state absentee ballot in a timely manner and not received it in time to vote and return it to meet the state's ballot deadline be allowed to use the Federal Write-In Absentee Ballot.**

Sample Language

The Federal Write-In Absentee Ballot (FWAB) will be accepted from uniformed services and overseas voters who make timely application for, and do not receive a regular absentee ballot. The following rules shall apply with respect to the FWAB:

(1) In completing the ballot, the overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of the political party (in which case the ballots shall be counted for the candidate of that political party).

(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of the political party shall be counted as a vote for the electors supporting the candidate involved.

(3) Any abbreviation, misspelling, or other minor variation in the spelling of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Susan Bysiewicz
Secretary of State
Office of the Secretary of State
State Capitol, Room 104
Hartford, CT 06106

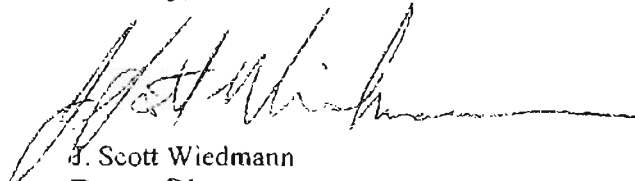
Dear Secretary Bysiewicz,

I would like to thank you for the work you and the state of Connecticut have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Connecticut's existing election code and procedures, I have identified seven initiatives that the Connecticut legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Connecticut's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 8,981 Uniformed Services members, an estimated 6,700 family members and approximately 42,000 overseas citizens that claim Connecticut as their voting residence.

As you review the enclosed initiatives for possible inclusion in Connecticut's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Connecticut 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Connecticut military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize that Connecticut provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-three states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Connecticut enacted legislation to provide for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. However, voters using the FPCA to register are required to simultaneously mail the original, which must arrive by 5:00 p.m. on the day before the election for the ballot to be counted. The electronic transmission methodology is there to ensure the FPCA is received by the state's deadline. If the electronically transmitted FPCA for registration is not recognized until the mail version is received then the availability of electronic transmission is of no benefit to the voter. We realize the original FPCA should be mailed in all cases regardless, however we urge an extension to the acceptance deadline for the original FPCA when the voter has utilized the electronically transmitted option.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Connecticut's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Seventeen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We realize that Connecticut law allows recently discharged members of the military returning to the state too late to register during the regular registration period to register to vote up until 5:00 p.m. on the last weekday before an election. We recommend that **Connecticut allow persons recently separated from overseas employment, and their family members, to be able to register late or be exempt from registration**. Many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet the normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem.

Sample Language

A person who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Connecticut extend the availability of the state write-in absentee ballot to non-Uniformed Services overseas electors. The purpose of the state write-in absentee ballot is to **provide a method for voting by persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-six states now provide state write-in absentee ballots.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Use of the Federal Write-In Absentee Ballot (FWAB)

The state of Connecticut is exempt from use of the Federal Write-In Absentee Ballot (FWAB) by Section 103 (f) in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These statements exempt states that make ballots available to military voters at least 90 days before the general election and as soon as the candidate list is available for other UOCAVA citizens.

The intent of the Federal Write-In Absentee Ballot (FWAB) is to aid the enfranchisement of U.S. citizens overseas wishing to vote for Federal Offices in general elections who make timely application for, but do not receive an absentee ballot.

The intent of the current Connecticut Special Write-In Absentee Ballot is to assist members of the military and their family members who are not able to follow the regular absentee ballot application procedure.

The Connecticut Special Write-In Absentee Ballot does not accommodate citizens who request a state absentee ballot in a timely manner and do not receive it in time to vote and return it to meet the state's ballot deadline. The FWABs, which are prepositioned at military installations and U.S. Embassies and Consulates worldwide fulfill this purpose for all overseas U.S. citizens except those whose legal residence is Connecticut.

We recommend that **Connecticut allow overseas UOCAVA citizens who have requested a state absentee ballot in a timely manner and not received it in time to vote and return it to meet the state's ballot deadline be allowed to use the Federal Write-In Absentee Ballot.**

Sample Language

The Federal Write-In Absentee Ballot (FWAB) will be accepted from uniformed services and overseas voters who make timely application for, and do not receive a regular absentee ballot. The following rules shall apply with respect to the FWAB:

(1) In completing the ballot, the overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of the political party (in which case the ballots shall be counted for the candidate of that political party).

(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of the political party shall be counted as a vote for the electors supporting the candidate involved.

(3) Any abbreviation, misspelling, or other minor variation in the spelling of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Ms. Alice Miller
Executive Director
Board of Elections and Ethics
One Judiciary Square
441 4th Street NW, Suite 250 North
Washington, DC 20001

Dear Ms. Miller,

I would like to thank you for the work you and the District of Columbia have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing the District of Columbia's existing election code and procedures, I have identified six initiatives that the District of Columbia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for the District of Columbia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 907 Uniformed Services members, an estimated 600 family members and many overseas citizens that claim the District of Columbia as their voting residence.

As you review the enclosed initiatives for possible inclusion in the District of Columbia's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

District of Columbia 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize the District of Columbia allows electronic transmission of the FPCA for registration and absentee ballot request and permits faxing of the absentee ballot when military service prevents the voter from receiving and returning the voted ballot. However, we encourage you to expand the use of this alternative to include electronic transmission of the blank and voted ballots for all military and overseas citizens, electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate these alternatives.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Late Registration Procedures

We recommend that the District of Columbia **allow persons recently separated from the Uniformed Services or overseas employment and their family members to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in the District of Columbia just prior to an election. This time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and registration requirements combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Thirty** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend that the District of Columbia provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal timeframe.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-six** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote on absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently, the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Twelve** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the District's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter resides outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the jurisdiction;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in the U.S., they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Sixteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **the District of Columbia accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although *UOCAVA* voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

District of Columbia 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize the District of Columbia allows electronic transmission of the FPCA for registration and absentee ballot request and permits faxing of the absentee ballot when military service prevents the voter from receiving and returning the voted ballot. However, we encourage you to expand the use of this alternative to include electronic transmission of the blank and voted ballots for all military and overseas citizens, electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate these alternatives.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Late Registration Procedures

We recommend that the District of Columbia **allow persons recently separated from the Uniformed Services or overseas employment and their family members to be able to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in the District of Columbia just prior to an election. This time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and registration requirements combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Thirty** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Special Write-In Absentee Ballot

We also recommend that the District of Columbia provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal timeframe.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-six** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently, the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Twelve** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the District's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter resides outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the jurisdiction;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in the U.S., they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Sixteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **the District of Columbia accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

Ms. Elaine Manlove
Commissioner of Elections
111 S. West Street, Suite 10
Dover, DE 19904

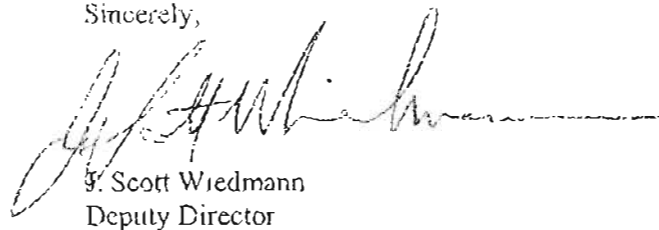
Dear Ms. Manlove,

I would like to thank you for the work you and the state of Delaware have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Delaware's existing election code and procedures, I have identified three initiatives that the Delaware legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Delaware's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 2,997 Uniformed Services members, an estimated 2,000 family members and approximately 8,000 overseas citizens that claim Delaware as their voting residence.

As you review the enclosed initiatives for possible inclusion in Delaware's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Delaware 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process. We realize Delaware has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for electronically sending the ballot to the voter and accepting the voted ballot from the voter.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Delaware's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief

Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Delaware 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process. We realize Delaware has enacted legislation which provides for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for electronically sending the ballot to the voter and accepting the voted ballot from the voter.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Delaware's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief

Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Kurt S. Browning
Secretary of State
R.A. Gray Building
500 S. Bronough
Tallahassee, FL 32399-0250

Dear Secretary Browning,

I would like to thank you for the work you and the state of Florida have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Florida's existing election code and procedures, I have identified four initiatives that the Florida legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Florida's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 194,209 Uniformed Services members, an estimated 146,000 family members and approximately 212,000 overseas citizens that claim Florida as their voting residence.

As you review the enclosed initiatives for possible inclusion in Florida's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann". The signature is written in a cursive style and is positioned above the printed name.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Florida 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Although Florida passed legislation allowing the electronic transmission of the blank ballot and receipt of the voted ballot by overseas U.S. citizens, we encourage you to expand the use of this alternative. We request that Florida allow election officials to electronically send the blank ballot and accept the voted ballot electronically from military voters **in the U.S.**, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate this alternative.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors via electronic transmission.

State Write-In Absentee Ballot

We recommend that Florida provide a state write-in absentee ballot for **all elections**. We commend you for passing legislation that allowed for a state write-in ballot for general elections. However, we request that you expand this to all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame for all elections**. Thus, a voter would know that they could exercise their right to vote for all Florida elections, not just one. We encourage you to include this in your next legislative package.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently in Florida, the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Twelve other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Sixteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Florida 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Although Florida passed legislation allowing the electronic transmission of the blank ballot and receipt of the voted ballot by overseas U.S. citizens, we encourage you to expand the use of this alternative. We request that Florida allow election officials to electronically send the blank ballot and accept the voted ballot electronically from military voters **in the U.S.**, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate this alternative.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors via electronic transmission.

State Write-In Absentee Ballot

We recommend that Florida provide a state write-in absentee ballot for **all elections**. We commend you for passing legislation that allowed for a state write-in ballot for general elections. However, we request that you expand this to all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame for all elections**. Thus, a voter would know that they could exercise their right to vote for all Florida elections, not just one. We encourage you to include this in your next legislative package.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently in Florida, the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Twelve other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Sixteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.



FEDERAL VOTING ASSISTANCE PROGRAM
DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Karen Handel
Secretary of State
State Capitol, Room 214
Atlanta, GA 30334

Dear Secretary Handel,

I would like to thank you for the work you and the state of Georgia have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Georgia's existing election code and procedures, I have identified five initiatives that the Georgia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Georgia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 33,117 Uniformed Services members, an estimated 25,000 family members and approximately 110,000 overseas citizens that claim Georgia as their voting residence.

As you review the enclosed initiatives for possible inclusion in Georgia's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Georgia 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Georgia enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and the registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Georgia's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or

unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Georgia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Twelve** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission**

of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if: taneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Georgia **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Georgia 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Georgia enacted legislation to provide for the electronic transmission of the FPCA for ballot requests and the registration is waived. We encourage expanded use of this alternative to include the electronic transmission of the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for the electronic transmission of the blank and voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services, or is a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Georgia's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or

unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Georgia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Twelve** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission**

of the FWAB would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if: taneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Georgia **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.**

Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Michael W. Cruz
Lieutenant Governor
PO Box 2950
Agana, GU 96910

Dear Lieutenant Governor Cruz,

I would like to thank you for the work you and the territory of Guam have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Guam's existing election code and procedures, I have identified eight initiatives that the Guam legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Guam's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 381 Uniformed Services members, an estimated 300 family members and many overseas citizens that claim Guam as their voting residence.

As you review the enclosed initiatives for possible inclusion in Guam's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Guam 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration and ballot request, sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Guam's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components

of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Guam election law requires that the ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Fifty states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that Guam allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Guam Election Code

The Guam Election Code refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the Guam election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the Guam Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Special Write-In Absentee Ballot

We also recommend Guam provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as**

those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from Guam in time to be counted. Twenty-six states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state or territory does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Twelve other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.*

Guam 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration and ballot request, sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Guam's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components

of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Guam election law requires that the ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. We recommend **removal of the notary requirement for all absentee balloting materials**. Fifty states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state or territory and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that **Guam allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Guam Election Code

The Guam Election Code refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the Guam election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the Guam Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Special Write-In Absentee Ballot

We also recommend Guam provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as**

those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame. A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from Guam in time to be counted. Twenty-six states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state or territory does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Twelve other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by Guam.

Hawaii 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Hawaii military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-three** states now allow 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Hawaii allow persons recently separated from the Uniformed Services, the merchant marine, or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Although Hawaii Revised Statute Section 15-3 states "...any former registered voter of Hawaii may vote an absentee ballot in any presidential election occurring within twenty-four months after leaving Hawaii...", This statute does not cover members of the Uniformed Services, the merchant marine, or citizens employed overseas, and family members that have been away for over 24 months. Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. A special late registration procedure for these circumstances would solve this problem. **Twenty-nine** states currently have a late registration procedure.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. While Hawaii offers electronic transmission of election materials, the fact remains that by **expanding the use of the FWAB to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Hawaii money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

State Special Write-In Absentee Ballot

We also recommend Hawaii provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the

state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Michael A. Mauro
Secretary of State
Office of the Secretary of State
Lucas Building, 1st Floor
321 E 12th Street
Des Moines, IA 50319

Dear Secretary Mauro,

I would like to thank you for the work you and the state of Iowa have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Iowa's existing election code and procedures, I have identified three initiatives that the Iowa legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Iowa's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 8,722 Uniformed Services members, an estimated 6,500 family members and approximately 42,000 overseas citizens that claim Iowa as their voting residence.

As you review the enclosed initiatives for possible inclusion in Iowa's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Iowa 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Iowa enacted legislation to provide for electronic transmission of the Federal Post Card Application request for registration and an absentee ballot. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. The following sample language would allow for these procedures.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We understand Iowa currently allows discharged military personnel to register late. **We encourage expanding this option to their family members and overseas citizens who may go through a transition period when they first leave the Uniformed Services or**

overseas employment and may reside in your state just prior to an election. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home after active duty or employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Iowa **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Ben Ysursa
Secretary of State
State Capitol, Room 203
Boise, ID 83720-0080

Dear Secretary Ysursa,

I would like to thank you for the work you and the state of Idaho have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Idaho's existing election code and procedures, I have identified six initiatives that the Idaho legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Idaho's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 8,698 Uniformed Services members, an estimated 6,500 family members and approximately 17,000 overseas citizens that claim Idaho as their voting residence.

As you review the enclosed initiatives for possible inclusion in Idaho's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, reading "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Idaho 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country whom may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Idaho allows for the electronic transmission of the Federal Post Card Application (FPCA) for absentee ballot request, and for transmission of a blank ballot in certain emergency situations. We recommend expanded use of this alternative to include electronic transmission of the FPCA request for registration as well as electronic transmission of the blank ballot to the voter and acceptance of the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Idaho's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Idaho **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Idaho provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the State in time to be counted. Twenty-six states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the State. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Twelve** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens**

be allowed to vote in elections for Federal offices where either parent is eligible to vote under the *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Idaho 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country whom may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Idaho allows for the electronic transmission of the Federal Post Card Application (FPCA) for absentee ballot request, and for transmission of a blank ballot in certain emergency situations. We recommend expanded use of this alternative to include electronic transmission of the FPCA request for registration as well as electronic transmission of the blank ballot to the voter and acceptance of the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Idaho's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Idaho **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Idaho provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the State in time to be counted. Twenty-six states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot from the State. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Twelve** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens**

be allowed to vote in elections for Federal offices where either parent is eligible to vote under the UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Illinois 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Illinois enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for ballot requests by members of the Armed Forces. We recommend expanded use of this alternative to include electronic transmission of the FPCA for registration from all citizens covered by UOCAVA, electronically sending the blank ballot to these voters, and accepting the voted ballot from these voters where circumstances would otherwise disenfranchise them. **Sixteen** states now allow electronic transmission of the FPCA for registering and requesting the absentee ballot, sending the blank ballot, and accepting the voted ballot. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Illinois' **State Board of Elections/Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their

right to vote. The State Board of Elections/Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission or fax. As an example, in light of the surge of Guard and Reserve forces being deployed, the State Board of Elections/Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The State Board of Elections/Chief Election Official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The State Board of Elections/Chief Election Official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the State Board of Elections/Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The State Board of Elections/Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expansion of Late Registration Procedures

Illinois currently allows members of the Armed Forces or merchant marine, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Illinois expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's 30-day residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

An individual or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the

regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Expand Application for Ballot by Proxy to Overseas Citizens

Currently, Illinois allows spouses, and other family members, to use a special application provided by the local election official to request that an absentee ballot be mailed to members of the Uniformed Services. **We recommend this option be expanded to allow spouses and other family members of overseas civilian citizens to request an absentee ballot be mailed to them.**

Sample Language

If a spouse, dependent, mother, father, sister or brother of a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is registered to vote in the same county as that citizen, he or she may request that an absentee ballot be mailed to that voter by completing a special application provided by the local election official.

State Special Write-In Absentee Ballot

We also recommend Illinois provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot from the state in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB

was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 10 of the Illinois Election Laws makes no reference to Federal law. In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which the Federal Voting Assistance Program administers. **Reference to the UOCAVA in the state election code** would help election officials and interested citizens find guidance to applicable federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions

allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded use of the FWAB beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Illinois money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Illinois accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

The Honorable Todd Rokita
Secretary of State
Office of the Secretary of State
201 State House
Indianapolis, IN 46204

Dear Secretary Rokita,

I would like to thank you for the work you and the state of Indiana have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Indiana's existing election code and procedures, I have identified two initiatives that the Indiana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Indiana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 18,412 Uniformed Services members, an estimated 13,000 family members and approximately 76,000 overseas citizens that claim Indiana as their voting residence.

As you review the enclosed initiatives for possible inclusion in Indiana's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*--let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Indiana 2008 Legislative Initiatives and Sample Language

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Indiana 2008 Legislative Initiatives and Sample Language

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Iowa 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Iowa enacted legislation to provide for electronic transmission of the Federal Post Card Application request for registration and an absentee ballot. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. The following sample language would allow for these procedures.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

We understand Iowa currently allows discharged military personnel to register late. **We encourage expanding this option to their family members and overseas citizens who may go through a transition period when they first leave the Uniformed Services or**

overseas employment and may reside in your state just prior to an election. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home after active duty or employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Iowa **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Kansas 2008 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kansas' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Kansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff**

elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and runoff elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Kentucky 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Kentucky enacted legislation, which provides for the electronic transmission of the Federal Post Card Application (FPCA) for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic

transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kentucky's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 117 of the Kentucky Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that **Kentucky allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-nine states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Kentucky provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently thirteen states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information

requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

The Honorable Ron Thornburgh
Secretary of State
120 SW 10th Avenue
Memorial Hall, 1st Floor
Topeka, KS 66612-1594

Dear Secretary Thornburgh,

I would like to thank you for the work you and the state of Kansas have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Kansas's existing election code and procedures, I have identified four initiatives that the Kansas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Kansas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 10,196 Uniformed Services members, an estimated 7,000 family members and approximately 34,000 overseas citizens that claim Kansas as their voting residence.

As you review the enclosed initiatives for possible inclusion in Kansas's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Kansas 2008 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kansas' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Kansas provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff**

elections for Federal offices, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and runoff elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable Trey Grayson
Secretary of State
700 Capital Avenue, Suite 152
Frankfort, Kentucky 40601-3493

Dear Secretary Grayson,

I would like to thank you for the work you and the state of Kentucky have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Kentucky's existing election code and procedures, I have identified seven initiatives that the Kentucky legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Kentucky's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 10,559 Uniformed Services members, an estimated 7,919 family members and approximately 51,000 overseas citizens that claim Kentucky as their voting residence.

As you review the enclosed initiatives for possible inclusion in Kentucky's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Kentucky 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Kentucky enacted legislation, which provides for the electronic transmission of the Federal Post Card Application (FPCA) for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic

transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Kentucky's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Chapter 117 of the Kentucky Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that **Kentucky allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-nine states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Kentucky provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently thirteen states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information

requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable Jay Dardenne
Secretary of State
P.O. Box 94125
Baton Rouge, Louisiana 70804

Dear Secretary Dardenne,

I would like to thank you for the work you and the state of Louisiana have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Louisiana's existing election code and procedures, I have identified five initiatives that the Louisiana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Louisiana's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 18,554 Uniformed Services members, an estimated 13,916 family members and approximately 59,500 overseas citizens that claim Louisiana as their voting residence.

As you review the enclosed initiatives for possible inclusion in Louisiana's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Louisiana 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem, which continues to face Louisiana military and overseas voters, is the extremely short period of time these voters have to receive, vote, and return their absentee ballots **for non-Presidential elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-two** states currently have a 45-day transit time for other elections **in addition to presidential elections**.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Louisiana allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Special Write-In Absentee Ballot

We also recommend Louisiana provide a state write-in absentee ballot for all elections, *not only for the General election*. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **Thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.

Elimination of Witness/Notary Requirement

Louisiana requires that the ballot return envelope Certificate be signed in the presence of two witnesses. These witnesses must also sign the envelope. We recommend that **Louisiana eliminate the requirement for voting materials to be witnessed for uniformed service members and overseas citizens**. While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and overseas voters in order to return a voted ballot.

Sample Language *(suggested if witnesses are required for local or in-state absentee ballot)*

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for the absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Louisiana 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem, which continues to face Louisiana military and overseas voters, is the extremely short period of time these voters have to receive, vote, and return their absentee ballots **for non-Presidential elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-two** states currently have a 45-day transit time for other elections **in addition to presidential elections**.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Late Registration Procedures

We recommend that **Louisiana allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Special Write-In Absentee Ballot

We also recommend Louisiana provide a state write-in absentee ballot for all elections, not only for the General election. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **Thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.

Elimination of Witness/Notary Requirement

Louisiana requires that the ballot return envelope Certificate be signed in the presence of two witnesses. These witnesses must also sign the envelope. We recommend that **Louisiana eliminate the requirement for voting materials to be witnessed for uniformed service members and overseas citizens**. While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and overseas voters in order to return a voted ballot.

Sample Language (suggested if witnesses are required for local or in-state absentee ballot)

If a voter is residing outside the United States or is a member of the United States Uniformed Services or a family member of a member of the Uniformed Services, and he or she is a qualified elector and is required to execute an affidavit or form for the absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Maine 2008 Legislative Initiatives and Sample Language

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face Maine military and overseas voters is the short period of time these voters have to receive, vote, and return their absentee ballots for **non-Federal elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. However, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Maine has enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) request for registration and ballot, and also allows in some circumstances the electronic transmission of the blank ballot and voted ballot. We recommend expanded use of this alternative to include electronically sending the ballot to all UOCAVA voters,

and accepting the voted ballot from all UOCAVA voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Maine's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Maine **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help

ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections.

Maryland 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Maryland has done an exceptional job passing legislation on behalf of UOCAVA voters regarding electronic transmission of election materials. However, we request your consideration again to make further changes in Maryland law/administrative procedures that would include the faxing of the voted ballot for all UOCAVA absentee voters and of the FPCA for registration purposes. We realize that Maryland allows faxing of the FPCA for an absentee ballot request and now the unvoted ballot and that Maryland law prohibits electronic facsimile if the document requires a signed affidavit. However, we encourage expansion of this alternative to include electronic transmission of the FPCA for registration (since we instruct voters to submit the original, signed FPCA after faxing and the FPCA form is a simultaneous request for registration and request for absentee ballot) and acceptance of the voted ballot electronically from the voter (signature already on file) where circumstances would otherwise disenfranchise a citizen. The sample language below accommodates these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local board of elections may receive FPCAs for registration, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

Although the Maryland General Assembly deleted the late registration provision from Maryland law, we never-the-less encourage you to recommend that Maryland reinstate procedures **to allow persons recently separated from the Uniformed Services and their family members to be able to register late (or be exempt from registration)**. Previously, honorably discharged military personnel and their spouses and dependents could still vote absentee if a Federal Post Card Application arrived not later than 8 p.m. on election day. Additionally, we recommend that Maryland expand this procedure **to allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**.

Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Thirty** states now allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

Although Maryland provides ample time for transit of ballots under normal circumstances, especially with late counting, we continue to recommend that Maryland provide a state write-in absentee ballot for all elections as a means to vote in case there are delays in mailing and returning absentee ballots. Again, the main purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-six** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

We appreciate the action taken by the Maryland State Board of Elections to allow overseas voters to cast votes for state and local offices in primary and special Federal elections using the Federal Write-In Absentee Ballot (FWAB). Since this ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership, many overseas citizens have access to it and would not be disenfranchised because their regular ballots were not received in a timely manner.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Sixteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA. To address your concerns about lack of control over the process, the citizen must provide a valid Maryland residence address and sign the FPCA attesting that he/she is a U.S. citizen and is not voting in any other jurisdiction.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Maryland **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark**. Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Massachusetts 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Massachusetts military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. The fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Massachusetts provides 45-day transit time for Primary elections (35 days before election and 10 days extended counting after election). However, expanding this provision to **all elections** would help ensure enfranchisement. **Forty-one** states now allow 45-day ballot transit time for general elections.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Massachusetts has enacted legislation allowing citizens to send the Federal Post Card Application (FPCA) via electronic transmission. We recommend expanded use of this alternative to include electronically sending the blank ballot to these voters, and accepting the voted ballot via electronic transmission from these voters where circumstances would otherwise disenfranchise them. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Massachusetts' Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of all voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

State Special Write-In Absentee Ballot

We also recommend Massachusetts provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. We realize Massachusetts provides a special write-in absentee ballot if the local election official does not have the regular state ballot available for mailing. However, expanding this provision by making this ballot available upon request by UOCAVA citizens and expanding its use for all elections would help ensure enfranchisement. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector

cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for local, state and Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information

requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Massachusetts money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

Massachusetts requires that voted ballots from Military members and U.S. citizens overseas be postmarked. We recommend that **Massachusetts accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Ms. Linda H. Lamone
Administrator
State Board of Elections
P.O. Box 6486
Annapolis, MD 21401-0486

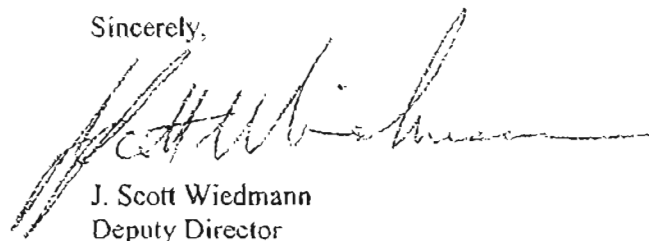
Dear Ms. Lamone,

I would like to thank you for the work you and the state of Maryland have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Maryland's existing election code and procedures, I have identified six initiatives that the Maryland legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Maryland citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 16,802 Uniformed Services members, an estimated 12,000 family members and approximately 68,000 overseas citizens that claim Maryland as their voting residence.

As you review the enclosed initiatives for possible inclusion in Maryland's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Maryland 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Maryland has done an exceptional job passing legislation on behalf of *UOCAVA* voters regarding electronic transmission of election materials. However, we request your consideration again to make further changes in Maryland law/administrative procedures that would include the faxing of the voted ballot for all *UOCAVA* absentee voters and of the FPCA for registration purposes. We realize that Maryland allows faxing of the FPCA for an absentee ballot request and now the unvoted ballot and that Maryland law prohibits electronic facsimile if the document requires a signed affidavit. However, we encourage expansion of this alternative to include electronic transmission of the FPCA for registration (since we instruct voters to submit the original, signed FPCA after faxing and the FPCA form is a simultaneous request for registration and request for absentee ballot) and acceptance of the voted ballot electronically from the voter (signature already on file) where circumstances would otherwise disenfranchise a citizen. The sample language below accommodates these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local board of elections may receive FPCAs for registration, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Late Registration Procedures

Although the Maryland General Assembly deleted the late registration provision from Maryland law, we never-the-less encourage you to recommend that Maryland reinstate procedures **to allow persons recently separated from the Uniformed Services and their family members to be able to register late (or be exempt from registration)**. Previously, honorably discharged military personnel and their spouses and dependents could still vote absentee if a Federal Post Card Application arrived not later than 8 p.m. on election day. Additionally, we recommend that Maryland expand this procedure **to allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**.

Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Thirty** states now allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

Although Maryland provides ample time for transit of ballots under normal circumstances, especially with late counting, we continue to recommend that Maryland provide a state write-in absentee ballot for all elections as a means to vote in case there are delays in mailing and returning absentee ballots. Again, the main purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-six** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

We appreciate the action taken by the Maryland State Board of Elections to allow overseas voters to cast votes for state and local offices in primary and special Federal elections using the Federal Write-In Absentee Ballot (FWAB). Since this ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership, many overseas citizens have access to it and would not be disenfranchised because their regular ballots were not received in a timely manner.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Sixteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*. To address your concerns about lack of control over the process, the citizen must provide a valid Maryland residence address and sign the FPCA attesting that he/she is a U.S. citizen and is not voting in any other jurisdiction.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Maryland **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable Matthew Dunlap
Secretary of State
148 State House Station
Augusta, Maine 04333-0148

Dear Secretary Dunlap,

I would like to thank you for the work you and the state of Maine have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Maine's existing election code and procedures, I have identified seven initiatives that the Maine legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Maine's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 5,337 Uniformed Services members, an estimated 4,003 family members and approximately 17,000 overseas citizens that claim Maine as their voting residence.

As you review the enclosed initiatives for possible inclusion in Maine's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Maine 2008 Legislative Initiatives and Sample Language

The Need for 45 Day Ballot Transit Time

The most persistent problem which continues to face Maine military and overseas voters is the short period of time these voters have to receive, vote, and return their absentee ballots for **non-Federal elections**. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. However, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Maine has enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) request for registration and ballot, and also allows in some circumstances the electronic transmission of the blank ballot and voted ballot. We recommend expanded use of this alternative to include electronically sending the ballot to all UOCAVA voters,

and accepting the voted ballot from all UOCAVA voters where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Maine's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fourteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Maine **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help

ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections.

September 14, 2007

The Honorable Robin Carnahan
Secretary of State
208 State Capitol
PO Box 778
Jefferson City, MO 65102

Dear Secretary Carnahan,

I would like to thank you for the work you and the state of Missouri have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Missouri's existing election code and procedures, I have identified four initiatives that the Missouri legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Missouri's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 25,062 Uniformed Services members, an estimated 18,000 family members and approximately 72,000 overseas citizens that claim Missouri as their voting residence.

As you review the enclosed initiatives for possible inclusion in Missouri's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 14, 2007

The Honorable Mary Herrera
Secretary of State
325 Don Gasper, Suite 300
Capitol Annex
Santa Fe, NM 87503

Dear Secretary Herrera,

I would like to thank you for the work you and the state of New Mexico have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New Mexico's existing election code and procedures, I have identified four initiatives that the New Mexico legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Mexico's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 8,898 Uniformed Services members, an estimated 6,000 family members and approximately 25,000 overseas citizens that claim New Mexico as their voting residence.

As you review the enclosed initiatives for possible inclusion in New Mexico's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 14, 2007

Mr. Gary O. Bartlett
Executive Director
P.O. Box 27255
Raleigh, NC 27611-7255

Dear Mr. Bartlett,

I would like to thank you for the work you and the state of North Carolina have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing North Carolina's existing election code and procedures, I have identified six initiatives that the North Carolina legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for North Carolina's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 30,357 Uniformed Services members, an estimated 22,000 family members and approximately 110,000 overseas citizens that claim North Carolina as their voting residence.

As you review the enclosed initiatives for possible inclusion in North Carolina's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 14, 2007

The Honorable Riley C. Darnell
Secretary of State
State Capitol
Nashville, TN 37243

Dear Secretary Darnell,

I would like to thank you for the work you and the state of Tennessee have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Tennessee's existing election code and procedures, I have identified five initiatives that the Tennessee legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Tennessee's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 43,108 Uniformed Services members, an estimated 32,000 family members and approximately 76,000 overseas citizens that claim Tennessee as their voting residence.

As you review the enclosed initiatives for possible inclusion in Tennessee's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 14, 2007

The Honorable Phil Wilson
Secretary of State
P. O. Box 12887
Austin, TX 78711-2887

Dear Secretary Wilson,

I would like to thank you for the work you and the state of Texas have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Texas's existing election code and procedures, I have identified six initiatives that the Texas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Texas's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 228,163 Uniformed Services members, an estimated 171,000 family members and approximately 272,000 overseas citizens that claim Texas as their voting residence.

As you review the enclosed initiatives for possible inclusion in Texas's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 14, 2007

Mr. Kevin J. Kennedy
Executive Director
P.O. Box 2973
17 West Main Street, Suite 310
Madison, WI 53701-2973

Dear Mr. Kennedy,

I would like to thank you for the work you and the state of Wisconsin have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Wisconsin's existing election code and procedures, I have identified six initiatives that the Wisconsin legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Wisconsin's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 14,740 Uniformed Services members, an estimated 11,000 family members and approximately 68,000 overseas citizens that claim Wisconsin as their voting residence.

As you review the enclosed initiatives for possible inclusion in Wisconsin's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 14, 2007

Mr. Soliai T. Fuimaono
Chief Election Officer
PO Box 3970
Pago Pago, AS 96799-3970

Dear Mr. Fuimaono,

I would like to thank you for the work you and American Samoa have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing American Samoa's existing election code and procedures, I have identified eight initiatives that the American Samoan legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for American Samoa's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 523 Uniformed Services members, an estimated 350 family members and many overseas citizens that claim American Samoa as their voting residence.

As you review the enclosed initiatives for possible inclusion in American Samoa's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 14, 2007

The Honorable Debra Bowen
Secretary of State
1500 11th Street
Sacramento, CA 95814-2974

Dear Secretary Bowen,

I would like to thank you for the work you and the state of California have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing California's existing election code and procedures, I have identified four initiatives that the California legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for California's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 130,064 Uniformed Services members, an estimated 97,000 family members and approximately 450,000 overseas citizens that claim California as their voting residence.

As you review the enclosed initiatives for possible inclusion in California's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 14, 2007

The Honorable Mike Coffman
Secretary of State
1700 Broadway, Suite 200
Denver, CO 80290

Dear Secretary Coffman,

I would like to thank you for the work you and the state of Colorado have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. Colorado is to be commended for the recent enactment of legislation to enfranchise those Colorado citizens who have never resided in the U.S. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Colorado's existing election code and procedures, I have identified three initiatives that the Colorado legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Colorado's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 17,179 Uniformed Services members, an estimated 12,000 family members and approximately 59,000 overseas citizens that claim Colorado as their voting residence.

As you review the enclosed initiatives for possible inclusion in Colorado's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 14, 2007

The Honorable Todd Rokita
Secretary of State
Office of the Secretary of State
201 State House
Indianapolis, IN 46204

Dear Secretary Rokita,

I would like to thank you for the work you and the state of Indiana have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Indiana's existing election code and procedures, I have identified two initiatives that the Indiana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Indiana's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 18,412 Uniformed Services members, an estimated 13,000 family members and approximately 76,000 overseas citizens that claim Indiana as their voting residence.

As you review the enclosed initiatives for possible inclusion in Indiana's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 14, 2007

The Honorable Ron Thornburgh
Secretary of State
120 SW 10th Avenue
Memorial Hall, 1st Floor
Topeka, KS 66612-1594

Dear Secretary Thornburgh,

I would like to thank you for the work you and the state of Kansas have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Kansas's existing election code and procedures, I have identified four initiatives that the Kansas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Kansas's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 10,196 Uniformed Services members, an estimated 7,000 family members and approximately 34,000 overseas citizens that claim Kansas as their voting residence.

As you review the enclosed initiatives for possible inclusion in Kansas's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 14, 2007

The Honorable Gary R. Herbert
Lieutenant Governor
State Capitol Complex
Suite E-325
Salt Lake City, UT 84114-0607

Dear Lieutenant Governor Herbert,

I would like to thank you for the work you and the state of Utah have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Utah's existing election code and procedures, I have identified six initiatives that the Utah legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Utah's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 6,045 Uniformed Services members, an estimated 4,000 family members and approximately 25,000 overseas citizens that claim Utah as their voting residence.

As you review the enclosed initiatives for possible inclusion in Utah's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 14, 2007

Ms. Elaine Manlove
Commissioner of Elections
111 S. West Street, Suite 10
Dover, DE 19904

Dear Ms. Manlove,

I would like to thank you for the work you and the state of Delaware have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Delaware's existing election code and procedures, I have identified three initiatives that the Delaware legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Delaware's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 2,997 Uniformed Services members, an estimated 2,000 family members and approximately 8,000 overseas citizens that claim Delaware as their voting residence.

As you review the enclosed initiatives for possible inclusion in Delaware's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 24, 2007

Mr. Rex Quidilla
Chief Elections Officer
Office of Elections
802 Lehua Avenue
Pearl City, HI 96782

Dear Mr. Quidilla,

I would like to thank you for the work you and the state of Hawaii have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Hawaii's existing election code and procedures, I have identified four initiatives that the Hawaii legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Hawaii's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 5,447 Uniformed Services members, an estimated 4,000 family members and approximately 17,000 overseas citizens that claim Hawaii as their voting residence.

As you review the enclosed initiatives for possible inclusion in Hawaii's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 24, 2007

The Honorable William F. Galvin
Secretary of the Commonwealth
State House, Room 337
Boston, MA 02133

Dear Secretary Galvin,

I would like to thank you for the work you and the Commonwealth of Massachusetts have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, or email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Massachusetts's existing election code and procedures, I have identified seven initiatives that the Massachusetts legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Massachusetts' citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 11,098 Uniformed Services members, an estimated 8,000 family members and approximately 85,000 overseas citizens that claim Massachusetts as their voting residence.

As you review the enclosed initiatives for possible inclusion in Massachusetts's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 24, 2007

The Honorable Terri Lynn Land
Secretary of State
Richard H. Austin Building, 4th Floor
430 W. Allegan Street
Lansing, MI 48918-9900

Dear Secretary Land,

I would like to thank you for the work you and the state of Michigan have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. Michigan is to be commended for the recent enactment of legislation to eliminate the affidavit/notary requirement and waiving the 30-day registration deadline for Michigan citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Michigan's existing election code and procedures, I have identified five initiatives that the Michigan legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Michigan's citizens covered by the UOCAVA. Information available to FVAP indicates that there are 44,054 Uniformed Services members, an estimated 33,000 family members and approximately 127,000 overseas citizens that claim Michigan as their voting residence.

As you review the enclosed initiatives for possible inclusion in Michigan's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 24, 2007

The Honorable Brad Johnson
Secretary of State
State Capitol, Room 260
PO Box 202801
Helena, MT 59620-2801

Dear Secretary Johnson,

I would like to thank you for the work you and the state of Montana have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Montana's existing election code and procedures, I have identified four initiatives that the Montana legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Montana's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 9,097 Uniformed Services members, an estimated 6,000 family members and approximately 8,000 overseas citizens that claim Montana as their voting residence.

As you review the enclosed initiatives for possible inclusion in Montana's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 24, 2007

The Honorable John Gale
Secretary of State
State Capitol, Suite 2300
P.O. Box 94608
Lincoln, NE 68509-4608

Dear Secretary Gale,

I would like to thank you for the work you and the state of Nebraska have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States like Nebraska with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Nebraska's existing election code and procedures, I have identified one initiative that the Nebraska legislature might consider during the upcoming legislative session. The initiative is discussed in detail with suggested wording in the enclosed document. If the initiative is enacted and signed into law, it would significantly help to facilitate the absentee voting process for Nebraska's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 6,795 Uniformed Services members, an estimated 5,000 family members and approximately 25,000 overseas citizens that claim Nebraska as their voting residence.

As you review the initiative for possible inclusion in Nebraska's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 24, 2007

The Honorable Bill Bradbury
Secretary of State
136 State Capitol Building
Salem, OR 97310-0722

Dear Secretary Bradbury,

I would like to thank you for the work you and the state of Oregon have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Oregon's existing election code and procedures, I have identified six initiatives that the Oregon legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Oregon's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 19,235 Uniformed Services members, an estimated 14,000 family members and approximately 42,000 overseas citizens that claim Oregon as their voting residence.

As you review the enclosed initiatives for possible inclusion in Oregon's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 24, 2007

The Honorable Deborah Markowitz
Secretary of State
26 Terrace Street, Drawer 9
Montpelier, VT 05609-1101

Dear Secretary Markowitz,

I would like to thank you for the work you and the state of Vermont have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, or email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Vermont's existing election code and procedures, I have identified nine initiatives that the Vermont legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Vermont's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 2,878 Uniformed Services members, an estimated 2,000 family members and approximately 8,000 overseas citizens that claim Vermont as their voting residence.

As you review the enclosed initiatives for possible inclusion in Vermont's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 24, 2007

Ms. Nancy Rodriguez
Secretary, State Board of Elections
200 N. 9th St., Ste. 101
Richmond, VA 23219-3497

Dear Ms. Rodriguez,

I would like to thank you for the work you and the Commonwealth of Virginia have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. Virginia is to be commended for the recent enactment of legislation that expands the use of electronic transmission of voting materials. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Virginia's existing election code and procedures, I have identified five initiatives that the Virginia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Virginia's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 34,166 Uniformed Services members, an estimated 25,000 family members and approximately 93,000 overseas citizens that claim Virginia as their voting residence.

As you review the enclosed initiatives for possible inclusion in Virginia's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 24, 2007

The Honorable Sam Reed
Secretary of State
Legislative Building, 2nd Floor
P.O. Box 40220
Olympia, WA 98504-0220

Dear Secretary Reed,

I would like to thank you for the work you and the state of Washington have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. Washington is to be commended for the recent enactment of legislation providing online registration to Washington residents who have either a Washington state driver's license or state identification card. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as utilizing digital signatures with electronically transmitted materials.

After reviewing Washington's existing election code and procedures, I have identified six initiatives that the Washington legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Washington's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 52,416 Uniformed Services members, an estimated 39,000 family members and approximately 76,000 overseas citizens that claim Washington as their voting residence.

As you review the enclosed initiatives for possible inclusion in Washington's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 24, 2007

Mr. Ramon E. Gomez Colon
President
State Elections Commission
P.O. Box 195552
San Juan, PR 00919-5552

Dear Mr. Gomez Colon,

I would like to thank you for the work you and the Commonwealth of Puerto Rico have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Puerto Rico's existing election code and procedures, I have identified nine initiatives that the Puerto Rico legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Puerto Rico's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 6,261 Uniformed Services members, an estimated 4,000 family members and approximately 8,000 overseas citizens that claim Puerto Rico as their voting residence.

As you review the enclosed initiatives for possible inclusion in Puerto Rico's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 24, 2007

The Honorable Beth Chapman
Secretary of State
State Capitol, Room S-105
600 Dexter Avenue
Montgomery, AL 36104

Dear Secretary Chapman,

I would like to thank you for the work you and the state of Alabama have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Alabama's existing election code and procedures, I have identified seven initiatives that the Alabama legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Alabama's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 18,854 Uniformed Services members, an estimated 14,000 family members and approximately 59,000 overseas citizens that claim Alabama as their voting residence.

As you review the enclosed initiatives for possible inclusion in Alabama's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 24, 2007

The Honorable Sean Parnell
Lieutenant Governor
P.O. Box 110017
Juneau, AK 99811-0017

Dear Lieutenant Governor Parnell,

I would like to thank you for the work you and the state of Alaska have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, and utilizing digital signatures with electronically transmitted materials.

After reviewing Alaska's existing election code and procedures, I have identified six initiatives that the Alaska legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Alaska's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 37,166 Uniformed Services members, an estimated 27,000 family members and approximately 8,000 overseas citizens that claim Alaska as their voting residence.

As you review the enclosed initiatives for possible inclusion in Alaska's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 24, 2007

Mr. Daniel White
Executive Director
State Board of Elections
1020 S Spring Street
Springfield, IL 62708

Dear Mr. White,

I would like to thank you for the work you and the state of Illinois have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Illinois's existing election code and procedures, I have identified nine initiatives that the Illinois legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Illinois' citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 56,125 Uniformed Services members, an estimated 42,000 family members and approximately 161,000 overseas citizens that claim Illinois as their voting residence.

As you review the enclosed initiatives for possible inclusion in Illinois's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Michigan 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We request that you seriously consider in this year's legislative session, the expansion of the use of modern technology in the absentee voting process. We realize that Michigan enacted legislation to provide for the electronic transmission of the FPCA for registration and absentee ballot request. However, we encourage expanded use of this alternative to include electronically sending the blank ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Michigan's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Michigan **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Special Write-In Absentee Ballot

We also recommend that Michigan provide a state write-in absentee ballot for **all elections.** The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he

or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Michigan money and alleviate administrative responsibilities on the part of the local election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.

Minnesota 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Minnesota military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as State Department personnel and citizen employees of American multinational corporations in remote areas. Forty-two states provide a 45-day ballot transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Minnesota has enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Minnesota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that Minnesota **allow persons recently separated from the Uniformed Services or overseas employment and their family members to register late or be exempt from registration**. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of

the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Notary Requirement

We realize notarization of the FPCA and the ballot return envelope is not necessary if a voter provides his/her military ID number or passport number. However, if a voter overlooks this requirement or if he or she is unable to obtain notarial services, he or she may be disenfranchised. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

State Write-In Absentee Ballot

We also recommend Minnesota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame**. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the

use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Mississippi 2008 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that American Samoa's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Mississippi election law requires that the affidavit on the absentee ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Fifty states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Return of Voted Ballot by Close of Polls on Election Day

We notice Mississippi requires some UOCAVA voters to return their voted ballot by 5:00 p.m. the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, the voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Mississippi accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 23, Section 23-15-677 of the Mississippi Election Laws refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that **Mississippi allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-nine states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Mississippi provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is

generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declarations as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Mississippi **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a [uniformed service] [or] [overseas voter] in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Missouri 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Missouri enacted legislation allowing citizens to send the FPCA via electronic transmission when requesting an absentee ballot. We encourage expanded use of this alternative to include electronic transmission of the FPCA for ballot request and registration, electronically sending the ballot to the voter, and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Missouri Election Laws do not refer to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a Uniformed Service member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

September 17, 2007

The Honorable Mark Ritchie
Secretary of State
180 State Office Building
St. Paul, MN 55155-1299

Dear Secretary Ritchie,

I would like to thank you for the work you and the state of Minnesota have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Minnesota's existing election code and procedures, I have identified seven initiatives that the Minnesota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Minnesota's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 12,349 Uniformed Services members, 9,000 family members and approximately 68,000 overseas citizens that claim Minnesota as their voting residence.

As you review the enclosed initiatives for possible inclusion in Minnesota's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



U. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

The Honorable Mark Ritchie
Secretary of State
180 State Office Building
St. Paul, MN 55155-1299

Dear Secretary Ritchie,

I would like to thank you for the work you and the state of Minnesota have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Minnesota's existing election code and procedures, I have identified seven initiatives that the Minnesota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Minnesota's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 12,349 Uniformed Services members, 9,000 family members and approximately 68,000 overseas citizens that claim Minnesota as their voting residence.

As you review the enclosed initiatives for possible inclusion in Minnesota's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

The Honorable Robin Carnahan
Secretary of State
208 State Capitol
PO Box 778
Jefferson City, MO 65102

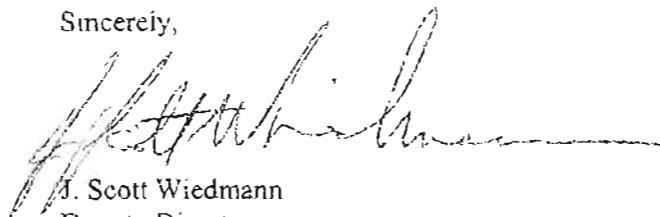
Dear Secretary Carnahan,

I would like to thank you for the work you and the state of Missouri have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Missouri's existing election code and procedures, I have identified four initiatives that the Missouri legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Missouri's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 25,062 Uniformed Services members, an estimated 18,000 family members and approximately 72,000 overseas citizens that claim Missouri as their voting residence.

As you review the enclosed initiatives for possible inclusion in Missouri's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Missouri 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Missouri enacted legislation allowing citizens to send the FPCA via electronic transmission when requesting an absentee ballot. We encourage expanded use of this alternative to include electronic transmission of the FPCA for ballot request and registration, electronically sending the ballot to the voter, and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Missouri Election Laws do not refer to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline for absentee ballot requests, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a Uniformed Service member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Montana 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Montana military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to timely delivery of absentee ballots to voters. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

We realize Montana mails absentee ballots approximately 30 days before primary elections for Federal office and approximately 45 days before general elections for Federal office. However, we recommend Montana mail absentee ballots at least 45 days before all elections. **Twenty-six** states now allow 45-day ballot transit time for all elections. **Forty-one** states allow 45-day ballot transit time for general elections.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Montana's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Seventeen** states have passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

State Special Write-in Absentee Ballot

We also recommend that Montana provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and U.S. corporations. In comparison, the FWAB is generally only

available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular ballot does not arrive in sufficient time for the voter to return the voted ballot on time, he may obtain, vote, and return the FWAB to the local election official in its place.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **Thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

May 14, 2008

Honorable C. Delbert Hoseman
Secretary of State
P.O. Box 136
Jackson, Mississippi 39205-0136

Dear Secretary Hoseman,

I would like to thank you for the work the state of Mississippi has done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Mississippi's existing election code and procedures, I have identified nine initiatives that the Mississippi legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Mississippi's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 11,778 Uniformed Services members, approximately 8,830 family members and an estimated 34,000 overseas citizens that claim Mississippi as their voting residence.

As you review the enclosed initiatives for possible inclusion in Mississippi's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Wiedmann".

Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Mississippi 2008 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that American Samoa's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Mississippi election law requires that the affidavit on the absentee ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We recommend **removal of the notary requirement for all absentee balloting materials**. Fifty states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Return of Voted Ballot by Close of Polls on Election Day

We notice Mississippi requires some UOCAVA voters to return their voted ballot by 5:00 p.m. the day before the election. This deadline is a day earlier than the deadline for voting if these citizens were voting in person. This could present a problem, particularly for citizens stationed overseas, where mail is frequently delayed and unpredictable. In these cases, the voters need every day available to them prior to the close of polls to ensure timely return of ballots. It is for this reason we recommend Mississippi accept voted ballots from all UOCAVA citizens until the close of polls on election day.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 23, Section 23-15-677 of the Mississippi Election Laws refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the '55 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Late Registration Procedures

We recommend that **Mississippi allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-nine states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Mississippi provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is

generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declarations as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that Mississippi **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a [uniformed service] [or] [overseas voter] in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

Mr. Gary O. Bartlett
Executive Director
P.O. Box 27255
Raleigh, NC 27611-7255

Dear Mr. Bartlett,

I would like to thank you for the work you and the state of North Carolina have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing North Carolina's existing election code and procedures, I have identified six initiatives that the North Carolina legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for North Carolina's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 30,357 Uniformed Services members, an estimated 22,000 family members and approximately 110,000 overseas citizens that claim North Carolina as their voting residence.

As you review the enclosed initiatives for possible inclusion in North Carolina's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

North Carolina 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of Uniformed Services members and overseas citizens who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Please consider expanding the use of modern technology to overseas citizens. We realize that North Carolina allows the submission of the Federal Post Card Application for registration and absentee ballot request by overseas citizens. However, this should be extended to allow electronic transmission of the blank and voted ballot to these citizens from your state as you have done for Uniformed Services members. Thus, we strongly encourage expanded use of this alternative to include the electronic transmission of the blank ballot to **all UOCAVA** voters and the acceptance of the voted ballot from **all UOCAVA** citizens where circumstances would otherwise disenfranchise them. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

State Special Write-In Absentee Ballot

We recommend that North Carolina provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a

regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save North Carolina money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.*

Expansion of Late Registration Procedures

We realize that North Carolina currently **allows persons recently separated from the Armed Forces to register and vote in person up to and including election day**. We recommend expanding this option to Uniformed Services family members and to citizens returning from overseas employment. Many of these citizens go through a transition period and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen.

Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all *UOCAVA* citizens.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Elimination of Witness/Notary Requirement

North Carolina requires that the certificate on the ballot return envelope be witnessed by two persons 18 years of age or older. Witnesses must provide their signatures and addresses. We recommend that **North Carolina eliminate the requirement for voting materials be witnessed for uniformed service members and overseas citizens.** While such requirements may be appropriate for local or in-state absentee balloting, such requirements add an additional burden to the uniformed service and overseas voters in order to request an absentee ballot or to return a voted ballot.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot need not be notarized or witnessed in order to be counted.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable Alvin Jaeger
Secretary of State
600 East Boulevard Dept 108
Bismark, North Dakota 58505-0500

Dear Secretary Jaeger,

I would like to thank you for the work you and the state of North Dakota have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing North Dakota's existing election code and procedures, I have identified three initiatives that the North Dakota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for North Dakota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UCAVA)*. Information available to FVAP indicates that there are 3,248 Uniformed Services members, an estimated 2,436 family members and approximately 8,500 overseas citizens that claim North Dakota as their voting residence.

As you review the enclosed initiatives for possible inclusion in North Dakota's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

North Dakota 2008 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **North Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 16 of the North Dakota Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

For those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **North Dakota accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Nebraska 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Nebraska enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests and allows electronic transmission of the blank ballot to Uniformed Service members and civilians outside the United States. However, we recommend expanded use of this alternative to include electronically sending the blank ballot to all citizens covered by UOCAVA, and accepting the voted ballot from these citizens where circumstances would otherwise disenfranchise them. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Nevada 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised due to time and location constraints, by allowing them to cast a ballot when they would not otherwise have been able to vote.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process to include electronic transmission of the FPCA for registration by all citizens voting under the Uniformed and Overseas Citizens Absentee Voting Act, electronically sending the ballot to these citizens and accepting the voted ballot from these citizens where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Nevada's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Sixteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this

state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Nevada currently allows members of the Armed Forces, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Nevada expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the termination date of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home from employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Nevada provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-six states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to Uniformed Services voters and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **twelve** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the

FWAB to be used for offices other than Federal offices. Twelve other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

New Hampshire 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New Hampshire military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that New Hampshire allows electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, but we would also like to encourage use of this alternative to include electronically sending the blank ballot to the

voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Hampshire's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Sixteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that New Hampshire **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a [uniformed service] [or] [overseas voter] in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their

ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

New Jersey 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that New Jersey enacted legislation to provide for the electronic transmission of the FPCA for ballot request, the electronic receipt of the blank ballot by the voter, and accepting an overseas ballot by electronic means. We encourage expanded use of this alternative to accept electronic transmission of the FPCA for registration purposes and to include electronically accepting the voted ballot from the Uniformed Services voter who is out of the state, but not necessarily overseas, on election day where these circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, or a family member, and is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend New Jersey provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-six states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Twelve** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Jersey's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Seventeen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We realize that **New Jersey allows persons recently separated from the Uniformed Services and their family members as well as civilians attached to or serving with the Uniformed Services to register late and obtain an emergency voting form.** We recommend this option be expanded to civilian citizens returning to New Jersey after overseas employment. Many of these citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for

registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

New Jersey 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that New Jersey enacted legislation to provide for the electronic transmission of the FPCA for ballot request, the electronic receipt of the blank ballot by the voter, and accepting an overseas ballot by electronic means. We encourage expanded use of this alternative to accept electronic transmission of the FPCA for registration purposes.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend New Jersey provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-six states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do

not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is repositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Twelve** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the

request is submitted;

- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Jersey's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Seventeen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We realize that **New Jersey allows persons recently separated from the Uniformed Services and their family members as well as civilians attached to or serving with the Uniformed Services to register late and obtain an emergency voting form.** We recommend this option be expanded to civilian citizens returning to New Jersey after overseas employment. Many of these citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for

registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

New Mexico 2008 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that New Mexico **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-eight states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend New Mexico provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 13 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,**

citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

New York 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New York military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. This is why it is necessary to allow a minimum of 45 days transit time for absentee ballots.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion and Extend Allowable Period

We recommend that New York **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark up to and including the day of the election.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these

citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints. Currently, fifty states and territories allow electronic transmission of election materials.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We enlist your support once again this year in developing the **acceptance of electronic transmission for all parts of the process**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider using modern technology in the absentee voting process. We encourage the use of this alternative to include the **electronic transmission of the FPCA for registration and ballot request, the blank ballot to the voter, and the voted ballot from the voter** where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A county board of elections official may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that New York's **Chief Election Official (CEO) have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The CEO and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **New York allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that New York provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to Uniformed Services voters and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently thirteen states that

have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the New York election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the New York Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable William M. Gardner
Secretary of State
State House, Room 204
Concord, New Hampshire 03301

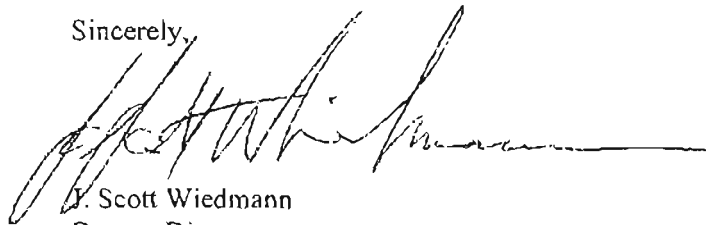
Dear Secretary Gardner,

I would like to thank you for the work you and the state of New Hampshire have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New Hampshire's existing election code and procedures, I have identified seven initiatives that the New Hampshire legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Hampshire's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 8,787 Uniformed Services members, an estimated 6,590 family members and approximately 17,000 overseas citizens that claim New Hampshire as their voting residence.

As you review the enclosed initiatives for possible inclusion in New Hampshire's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

New Hampshire 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New Hampshire military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that New Hampshire allows electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, but we would also like to encourage use of this alternative to include electronically sending the blank ballot to the

voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Below please find suggested sample language allowing for all aspects of the process.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Hampshire's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Sixteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that New Hampshire **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a [uniformed service] [or] [overseas voter] in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their

ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Anne Milgram
Attorney General
Richard J. Hughes - Justice Complex
25 Market Street, CN 080
Trenton, NJ 08625-0300

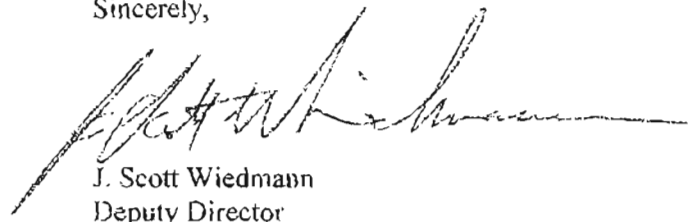
Dear Attorney General Milgram,

I would like to thank you for the work you and the state of New Jersey have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New Jersey's existing election code and procedures, I have identified six initiatives that the New Jersey legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Jersey's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 22,687 Uniformed Services members, an estimated 15,000 family members and approximately 111,000 overseas citizens that claim New Jersey as their voting residence.

As you review the enclosed initiatives for possible inclusion in New Jersey's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

New Jersey 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that New Jersey enacted legislation to provide for the electronic transmission of the FPCA for ballot request, the electronic receipt of the blank ballot by the voter, and accepting an overseas ballot by electronic means. We encourage expanded use of this alternative to accept electronic transmission of the FPCA for registration purposes and to include electronically accepting the voted ballot from the Uniformed Services voter who is out of the state, but not necessarily overseas, on election day where these circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, or a family member, and is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend New Jersey provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-six states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Twelve** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Jersey's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Seventeen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We realize that **New Jersey allows persons recently separated from the Uniformed Services and their family members as well as civilians attached to or serving with the Uniformed Services to register late and obtain an emergency voting form.** We recommend this option be expanded to civilian citizens returning to New Jersey after overseas employment. Many of these citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for

registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

February 27, 2008

The Honorable Nina Mitchell Wells
Secretary of State
Office of the Secretary
P.O. Box 300
Trenton, NJ 08625-0300

Dear Secretary Wells,

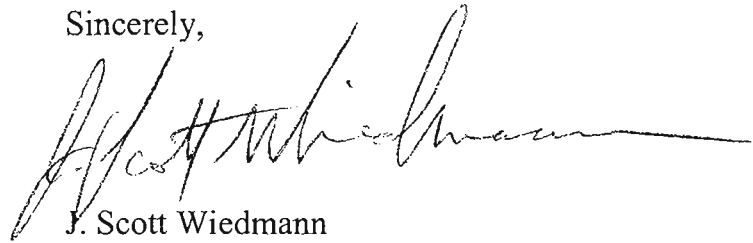
I would like to introduce you to the Federal Voting Assistance Program (FVAP) at the Department of Defense. The FVAP works to effectively inform and educate U.S. citizens worldwide of their right to vote, to foster voting participation, and to enhance and protect the integrity of the electoral process at all levels. The FVAP also works closely with state officials to ensure that all military and overseas citizens are given the opportunity to vote through legislation which simplifies the absentee voting process.

In the past several years, the state of New Jersey has done much work to promote and support the legislative initiatives the FVAP has recommended. The 2006 elections showed the importance of enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New Jersey's existing election code and procedures, I have identified six initiatives that the New Jersey legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Jersey's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 22,687 Uniformed Services members, an estimated 15,000 family members and approximately 111,000 overseas citizens that claim New Jersey as their voting residence.

As you review the enclosed initiatives for possible inclusion in New Jersey's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—I am looking forward to beginning our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", with a long horizontal flourish extending to the right.

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

New Jersey 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that New Jersey enacted legislation to provide for the electronic transmission of the FPCA for ballot request, the electronic receipt of the blank ballot by the voter, and accepting an overseas ballot by electronic means. We encourage expanded use of this alternative to accept electronic transmission of the FPCA for registration purposes.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, or a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

State Write-In Absentee Ballot

We also recommend New Jersey provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-six states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do

not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently twelve states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Twelve** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the

request is submitted;

- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **New Jersey's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Seventeen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We realize that **New Jersey allows persons recently separated from the Uniformed Services and their family members as well as civilians attached to or serving with the Uniformed Services to register late and obtain an emergency voting form.** We recommend this option be expanded to civilian citizens returning to New Jersey after overseas employment. Many of these citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for

registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

February 26, 2008

Nina Mitchell Wells
Secretary of State
Office of the Secretary
P.O. Box 300
Trenton, NJ 08625-0300

Dear Secretary Wells,

I would like to introduce you to the Federal Voting Assistance Program (FVAP) at the Department of Defense. The FVAP works to effectively inform and educate U.S. citizens worldwide of their right to vote, to foster voting participation, and to enhance and protect the integrity of the electoral process at all levels. The FVAP also works closely with state officials to ensure that all military and overseas citizens are given the opportunity to vote through legislation which simplifies the absentee voting process.

In the past several years, the state of New Jersey has done much work to promote and support the legislative initiatives the FVAP has recommended. The 2006 elections showed the importance of enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New Jersey's existing election code and procedures, I have identified six initiatives that the New Jersey legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Jersey's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 22,687 Uniformed Services members, an estimated 15,000 family members and approximately 111,000 overseas citizens that claim New Jersey as their voting residence.

As you review the enclosed initiatives for possible inclusion in New Jersey's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—I am looking forward to beginning our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

The Honorable Mary Herrera
Secretary of State
325 Don Gasper, Suite 300
Capitol Annex
Santa Fe, NM 87503

Dear Secretary Herrera,

I would like to thank you for the work you and the state of New Mexico have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New Mexico's existing election code and procedures, I have identified four initiatives that the New Mexico legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New Mexico's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UCAVA)*. Information available to FVAP indicates that there are 8,898 Uniformed Services members, an estimated 6,000 family members and approximately 25,000 overseas citizens that claim New Mexico as their voting residence.

As you review the enclosed initiatives for possible inclusion in New Mexico's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

New Mexico 2008 Legislative Initiatives and Sample Language

Late Registration Procedures

We recommend that New Mexico **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-eight states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend New Mexico provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states have implemented state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 13 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,**

citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*

- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

North Carolina 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of Uniformed Services members and overseas citizens who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Please consider expanding the use of modern technology to overseas citizens. We realize that North Carolina allows the submission of the Federal Post Card Application for registration and absentee ballot request by overseas citizens. However, this should be extended to allow electronic transmission of the blank and voted ballot to these citizens from your state as you have done for Uniformed Services members. Thus, we strongly encourage expanded use of this alternative to include the electronic transmission of the blank ballot to **all** UOCAVA voters and the acceptance of the voted ballot from **all** UOCAVA citizens where circumstances would otherwise disenfranchise them. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

State Special Write-In Absentee Ballot

We recommend that North Carolina provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a

regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save North Carolina money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state, whichever is later.

Expansion of Late Registration Procedures

We realize that North Carolina currently **allows persons recently separated from the Armed Forces to register and vote in person up to and including election day**. We recommend expanding this option to Uniformed Services family members and to citizens returning from overseas employment. Many of these citizens go through a transition period and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a citizen.

Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Elimination of Witness/Notary Requirement

North Carolina requires that the certificate on the ballot return envelope be witnessed by two persons 18 years of age or older. Witnesses must provide their signatures and addresses. We recommend that **North Carolina eliminate the requirement for voting materials be witnessed for uniformed service members and overseas citizens.** While such requirements may be appropriate for local or in-state absentee balloting, such requirements add an additional burden to the uniformed service and overseas voters in order to request an absentee ballot or to return a voted ballot.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot need not be notarized or witnessed in order to be counted.

North Dakota 2008 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **North Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

Title 16 of the North Dakota Election Laws makes no reference to Federal law. In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

For those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **North Dakota accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable Ross Miller
Secretary of State
101 North Carson Street, Suite 3
Carson City, NV 89701

Dear Secretary Miller,

I would like to thank you for the work you and the state of Nevada have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Nevada's existing election code and procedures, I have identified six initiatives that the Nevada legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Nevada's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UCAVA)*. Information available to FVAP indicates that there are 15,491 Uniformed Services members, an estimated 11,000 family members and approximately 25,000 overseas citizens that claim Nevada as their voting residence.

As you review the enclosed initiatives for possible inclusion in Nevada's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Nevada 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised due to time and location constraints, by allowing them to cast a ballot when they would not otherwise have been able to vote.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expanded use of modern technology in the absentee voting process to include electronic transmission of the FPCA for registration by all citizens voting under the Uniformed and Overseas Citizens Absentee Voting Act, electronically sending the ballot to these citizens and accepting the voted ballot from these citizens where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that Nevada's **Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Sixteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this

state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Nevada currently allows members of the Armed Forces, discharged within 60 days of an election who return to the state too late to register, to vote in the upcoming election. We recommend that Nevada expand this procedure and **allow family members of these service personnel and civilians recently separated from overseas employment to be able to register late or be exempt from registration and be allowed to vote in the upcoming election.** Like members of the Armed Forces, many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the termination date of overseas employment and a state's registration requirement combine to disenfranchise a citizen returning home from employment abroad. Expanded procedures to allow these persons to register and vote would solve this problem. Thirty states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend Nevada provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-six states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to Uniformed Services voters and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **twelve** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the

FWAB to be used for offices other than Federal offices. Twelve other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with the registration requirements of the state;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Mr. Peter S. Kosinski
Deputy Executive Director
State Board of Elections
40 Steuben Street
Albany, New York 12207-2109


Dear Mr. Kosinski,

I would like to thank you for the work you and the state of New York have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New York's existing election code and procedures, I have identified seven initiatives that the New York legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New York's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 62,555 Uniformed Services members, an estimated 49,916 family members and approximately 246,500 overseas citizens that claim New York as their voting residence.

As you review the enclosed initiatives for possible inclusion in New York's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

New York 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New York military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. This is why it is necessary to allow a minimum of 45 days transit time for absentee ballots.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion and Extend Allowable Period

We recommend that New York **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark up to and including the day of the election.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these

citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints. Currently, fifty states and territories allow electronic transmission of election materials.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We enlist your support once again this year in developing the **acceptance of electronic transmission for all parts of the process**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider using modern technology in the absentee voting process. We encourage the use of this alternative to include the **electronic transmission of the FPCA for registration and ballot request, the blank ballot to the voter, and the voted ballot from the voter** where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A county board of elections official may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that New York's **Chief Election Official (CEO) have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The CEO and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that New York allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that New York provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to Uniformed Services voters and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently thirteen states that

have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of the *Federal Voting Assistance Act of 1955* and the *Overseas Citizens Voting Rights Act of 1975* into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the New York election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the New York Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Mr. Peter S. Kosinski
Deputy Executive Director
State Board of Elections
40 Steuben Street
Albany, New York 12207-2109

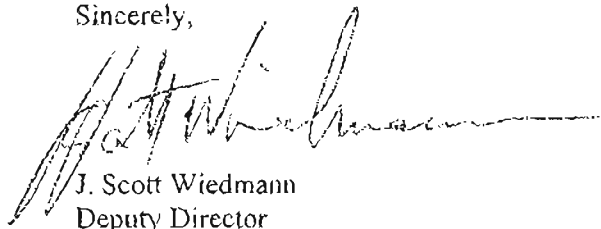
Dear Mr. Kosinski,

I would like to thank you for the work you and the state of New York have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing New York's existing election code and procedures, I have identified seven initiatives that the New York legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for New York's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 62,555 Uniformed Services members, an estimated 49,916 family members and approximately 246,500 overseas citizens that claim New York as their voting residence.

As you review the enclosed initiatives for possible inclusion in New York's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

New York 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face New York military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. This is why it is necessary to allow a minimum of 45 days transit time for absentee ballots.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that New York **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not

otherwise have been able to vote due to time and location constraints. Currently, fifty states and territories allow electronic transmission of election materials.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We enlist your support once again this year in developing the **acceptance of electronic transmission for all parts of the process**. With proper controls, this would cut the ballot transit time at least in half, reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider using modern technology in the absentee voting process. We encourage the use of this alternative to include the **electronic transmission of the FPCA for registration and ballot request, the blank ballot to the voter, and the voted ballot from the voter** where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A county board of elections official may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that New York's **Chief Election Official (CEO) have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The CEO and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **New York allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend that New York provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to Uniformed Services voters and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently thirteen states that

have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of the *Federal Voting Assistance Act of 1955* and the *Overseas Citizens Voting Rights Act of 1975* into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the New York election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the New York Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

September 17, 2007

The Honorable Jennifer Brunner
Secretary of State
180 E. Broad Street
Columbus, OH 43215

Dear Secretary Brunner,

I would like to thank you for the work you and the state of Ohio have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Ohio's existing election code and procedures, I have identified seven initiatives that the Ohio legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Ohio's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 40,037 Uniformed Services members, 30,000 family members and approximately 153,000 overseas citizens that claim Ohio as their voting residence.

As you review the enclosed initiatives for possible inclusion in Ohio's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

The Honorable Jennifer Brunner
Secretary of State
180 E. Broad Street
Columbus, OH 43215

Dear Secretary Brunner,

I would like to thank you for the work you and the state of Ohio have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone or email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Ohio's existing election code and procedures, I have identified seven initiatives that the Ohio legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Ohio's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 40,037 Uniformed Services members, 30,000 family members and approximately 153,000 overseas citizens that claim Ohio as their voting residence.

As you review the enclosed initiatives for possible inclusion in Ohio's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Ohio 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

We realize that Ohio enacted legislation to provide for electronic transmission of the FPCA for ballot request and electronic transmission of the blank ballot to voters in the Uniformed Services. We encourage expanded use of this alternative to all UOCAVA citizens to include electronic transmission of the Federal Post Card Application for registration, electronically sending the ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Sample Language

An applicant who is a member of the United States Uniformed Services, the merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Ohio's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special

procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expansion of Late Registration Procedures

We realize that Ohio allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may not know in which state they will live. Others may move to a new state and not meet the state's residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

A person who has been discharged or separated from the Uniformed Services by separation from the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Waiver of Registration for Citizens Covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

While we realize that registration is waived in Ohio for members of the U.S. Armed Forces and their family members, we encourage expansion of this provision to include all groups covered in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) definitions. The following is an extract from the UOCAVA, 42 USC 1973ff-6. Section 107. Definitions:

“(1) "absent uniformed services voter" means --

- (A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;
- (B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and
- (C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote “

and

“(7) “uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration”.

The sample language below will accommodate this provision.

Sample Language

If you are a citizen voting under the Uniformed and Overseas Citizens Absentee Voting Act, your registration is waived and you may request an absentee ballot by submitting an FPCA so it is received by the county board of elections not later than 3 days before the election.

State Write-In Absentee Ballot

We also recommend Ohio provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter

knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post

Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Mr. Thomas E. Prince
Chairman
State Election Board
P.O. Box 53156
Oklahoma City, OK 73152

Dear Mr. Prince,

I would like to thank you for the work you and the state of Oklahoma have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Oklahoma's existing election code and procedures, I have identified two initiatives that the Oklahoma legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Oklahoma's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 14,535 Uniformed Services members, an estimated 10,000 family members and approximately 42,000 overseas citizens that claim Oklahoma as their voting residence.

As you review the enclosed initiatives for possible inclusion in Oklahoma's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Oklahoma 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oklahoma military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to the timely delivery of absentee ballots for those who request them. For Oklahoma, our *2006-2007 Voting Assistance Guide* states that local election officials mail out ballots approximately 30 days before an election. While we commend you for expanding the time between the state run-off election and the General Election, Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-three** other states have increased their ballot transit times to greater than 30 days.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although we realize that Oklahoma enacted legislation to provide for the electronic transmission of the FPCA ballot request, and for the electronic transmission of the blank ballot and acceptance of the voted ballot under certain limited circumstances, we encourage expanded use of this alternative to include the use of electronic transmission of the blank ballot and acceptance of the voted ballot on a regular basis, as an alternative method, not merely during certain limited circumstances.

Sample Language

An elections official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Oklahoma 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oklahoma military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to the timely delivery of absentee ballots for those who request them. For Oklahoma, our 2006-2007 Voting Assistance Guide states that local election officials mail out ballots approximately 30 days before an election. While we commend you for expanding the time between the state run-off election and the General Election, Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. **Forty-three** other states have increased their ballot transit times to greater than 30 days.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although we realize that Oklahoma enacted legislation to provide for the electronic transmission of the FPCA ballot request, and for the electronic transmission of the blank ballot and acceptance of the voted ballot under certain limited circumstances, we encourage expanded use of this alternative to include the use of electronic transmission of the blank ballot and acceptance of the voted ballot on a regular basis, as an alternative method, not merely during certain limited circumstances.

Sample Language

An elections official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Oregon 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Oregon military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize Oregon provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. **Twenty-six** states now provide a 45-day transit time for all elections.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Oregon has enacted legislation to provide for electronic transmission of the FPCA for registration and ballot request and electronic transmission of the blank ballot. We encourage expanded use of this alternative to include acceptance of the voted ballot from the voter by electronic transmission where circumstances would otherwise disenfranchise a citizen. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send a blank ballot to a voter and accept voted ballots via electronic transmission from eligible electors.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Oregon's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. **Seventeen** states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Expansion of Late Registration Procedures

We realize that Oregon allows late registration for discharged military personnel and their spouses. However, we recommend expanding this alternative to **allow persons recently separated from overseas employment and their family members to register late or be**

exempt from registration. Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

A person who has been discharged or separated from the Uniformed Services or the merchant marine, or from employment outside the territorial limits of the United States, too late to enable such persons to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be

used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save Oregon money and alleviate administrative responsibilities of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable Pedro A. Cortes
Secretary of the Commonwealth
North Office Building
Harrisburg, Pennsylvania 17120

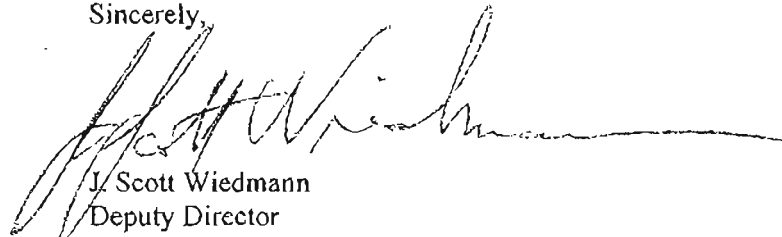
Dear Secretary Cortes,

I would like to thank you for the work you and the state of Pennsylvania have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Pennsylvania's existing election code and procedures, I have identified five initiatives that the Pennsylvania legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Pennsylvania's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 54,200 Uniformed Services members, an estimated 40,640 family members and approximately 161,500 overseas citizens that claim Pennsylvania as their voting residence.

As you review the enclosed initiatives for possible inclusion in Pennsylvania's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Pennsylvania 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We request your support in developing the **acceptance of electronic transmission of absentee ballots in Pennsylvania**. With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize that Pennsylvania allows the submission of the Federal Post Card Application for registration and absentee ballot request. However, Pennsylvania now only allows the electronic transmission of the blank ballot if a person in a designated hostile fire, imminent danger pay, combat zone or qualified hazardous duty area. Further, there is no faxing of the voted ballot in your state. We strongly encourage expanded use of this alternative to include the transmission of the blank ballot by fax to all *UOCAVA* voters and the acceptance of the voted ballot (to include a waiver of privacy) from all *UOCAVA* citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that **Pennsylvania's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **Pennsylvania allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only.** This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special and primary elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted

and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, and primary elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:
If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector

Pennsylvania 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. We request your support in developing the **acceptance of electronic transmission of absentee ballots in Pennsylvania**. With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize that Pennsylvania allows the submission of the Federal Post Card Application for registration and absentee ballot request. However, Pennsylvania now only allows the electronic transmission of the blank ballot if a person is in a designated hostile fire, imminent danger pay, combat zone or qualified hazardous duty area. Further, there is no faxing of the voted ballot in your state. We strongly encourage expanded use of this alternative to include the transmission of the blank ballot by fax to all UOCAVA voters and the acceptance of the voted ballot (to include a waiver of privacy) from all UOCAVA citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant, who is a member of the United States Uniformed Services, merchant marine, a family member, or a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. Election officials may receive absentee ballot applications, send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that **Pennsylvania's Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state. *The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.*

Late Registration Procedures

We recommend that **Pennsylvania allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election. This time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only.** This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special and primary elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted

and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, and primary elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector

Puerto Rico 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Although Puerto Rico currently allows electronic transmission of the FPCA, including fax and email, we encourage expansion of these alternative to include electronically sending the blank ballot to the voter, and electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise them. **Twenty-three** states have expanded use of electronic transmission to allow sending the blank ballot, and accepting the voted ballot.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. The Commonwealth Elections Commission may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Puerto Rico's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Seventeen** states and territories have

passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this commonwealth, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the Commonwealth.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Elimination of Witness/Notary Requirement

Current Puerto Rico election law requires that the FPCA and the ballot return envelope must be sworn to by a person authorized to administer oaths. Depending on the category of UOCAVA voter, the oath must be administered by a commissioned officer, the highest officer on board ship, an official in the school registrar's office, a notary public, or a consular officer. We recommend that **Puerto Rico eliminate the requirement for voting materials to be notarized for uniformed service members and overseas citizens.** While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and overseas voters in order to request an absentee ballot and to return a voted ballot. Additionally, many overseas citizens who are not able to visit a U.S. embassy or consular office are forced to pay high fees for notarization or witnessing services in order to participate in the balloting process. In many countries, there are no notaries in their system of jurisprudence. Also, some small military installations may have no commissioned officer assigned. We strongly recommend **removal of the notary requirement for all absentee balloting materials.** Fifty states and territories have eliminated the notary requirement on all election materials.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that **Puerto Rico allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in Puerto Rico just prior to an election and this time frame does not meet Puerto Rico's normal residency requirements. Often, the date of discharge or termination of overseas employment and a commonwealth's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states and territories currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular commonwealth deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Special Write-In Absentee Ballot

We also recommend that Puerto Rico provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from Puerto Rico in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. If the regular absentee ballot from Puerto Rico does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the

FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. Puerto Rico will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the commonwealth's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

- (3) the request is received by the appropriate commonwealth election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save the commonwealth money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services or a family member of a member of the Uniformed Services and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, commonwealth and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a member of the Uniformed Services, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the commonwealth of Puerto Rico;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate Puerto Rico election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the Commonwealth Election Code

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the commonwealth's election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. **Thirty-seven** states and territories now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the Commonwealth of Puerto Rico has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Puerto Rico accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Rhode Island 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

Despite the alternative of mailing the official state blank ballot 45 days before an election if the official ballot is not yet available, Rhode Island military and overseas voters continue to have an extremely short period of time to receive, vote, and return their absentee ballots in order to be counted (21 days) in the regular absentee ballot delivery process. While electronic transmission of election materials offers an alternative to speed ballot transit time, inadequate ballot transit time through the mail remains the primary obstacle to timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Rhode Island's **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

We note that in 2003 Governor Carcieri signed into law legislation naming the Secretary of State (SoS) the Chief State Election Official in Rhode Island and that your Legislative Implementation Report for 2004 indicates that the SoS intends to introduce legislation to provide the necessary emergency authority for the SoS as the chief election official. If we can help in this effort, please let us know.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National

Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

The Honorable A. Ralph Mollis
Secretary of State
Room 217, State House
Providence, RI 02903

Dear Secretary Mollis,

I would like to thank you for the work you and the state of Rhode Island have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Rhode Island's existing election code and procedures, I have identified two initiatives that the Rhode Island legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Rhode Island's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 2,504 Uniformed Services members, an estimated 1,800 family members and approximately 17,000 overseas citizens that claim Rhode Island as their voting residence.

As you review the enclosed initiatives for possible inclusion in Rhode Island's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Rhode Island 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

Despite the alternative of mailing the official state blank ballot 45 days before an election if the official ballot is not yet available, Rhode Island military and overseas voters continue to have an extremely short period of time to receive, vote, and return their absentee ballots in order to be counted (21 days) in the regular absentee ballot delivery process. While electronic transmission of election materials offers an alternative to speed ballot transit time, inadequate ballot transit time through the mail remains the primary obstacle to timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, it is recommended that Rhode Island's **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

We note that in 2003 Governor Carcieri signed into law legislation naming the Secretary of State (SoS) the Chief State Election Official in Rhode Island and that your Legislative Implementation Report for 2004 indicates that the SoS intends to introduce legislation to provide the necessary emergency authority for the SoS as the chief election official. If we can help in this effort, please let us know.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National

Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

September 17, 2007

Honorable Jan Brewer
Secretary of State
7th Floor, State Capitol
1700 W. Washington
Phoenix, Arizona 85007-2808

Dear Honorable Brewer,

I would like to thank you for the work you and the state of Arizona have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Arizona's existing election code and procedures, I have identified four initiatives that the Arizona legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Arizona's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 25,062 Uniformed Services members, an estimated 18,000 family members and approximately 72,000 overseas citizens that claim Arizona as their voting residence.

As you review the enclosed initiatives for possible inclusion in Arizona's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

The Honorable Mike Coffman
Secretary of State
1700 Broadway, Suite 200
Denver, CO 80290

Dear Secretary Coffman,

I would like to thank you for the work you and the state of Colorado have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. Colorado is to be commended for the recent enactment of legislation to enfranchise those Colorado citizens who have never resided in the U.S. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Colorado's existing election code and procedures, I have identified three initiatives that the Colorado legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Colorado's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 17,179 Uniformed Services members, an estimated 12,000 family members and approximately 59,000 overseas citizens that claim Colorado as their voting residence.

As you review the enclosed initiatives for possible inclusion in Colorado's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Ms. Marci Andino
Executive Director
State Election Commission
PO Box 5987
Columbia, SC 29250-5987

Dear Ms. Andino,

I would like to thank you for the work you and the state of South Carolina have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing South Carolina's existing election code and procedures, I have identified three initiatives that the South Carolina legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for South Carolina's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 18,667 Uniformed Services members, an estimated 14,000 family members and approximately 51,000 overseas citizens that claim South Carolina as their voting residence.

As you review the enclosed initiatives for possible inclusion in South Carolina's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

South Carolina 2008 Legislative Initiatives and Sample Language

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Twelve** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Elimination of Witness/Notary Requirement

We recommend that **South Carolina eliminate the requirement for the absentee ballot return envelope to be [witnessed] for uniformed service members and overseas citizens.** While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and/or overseas voters in order to return a voted ballot.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable Chris Nelson
Secretary of State
State Capitol Building, Suite 204
500 East Capitol
Pierre, South Dakota 57501-5070

Dear Secretary Nelson,

I would like to thank you for the work you and the state of South Dakota have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing South Dakota's existing election code and procedures, I have identified eight initiatives that the South Dakota legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for South Dakota's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 8,500 Uniformed Services members, an estimated 6,380 family members and approximately 8,500 overseas citizens that claim South Dakota as their voting residence.

As you review the enclosed initiatives for possible inclusion in South Dakota's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

South Dakota 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that South Dakota now allows the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, but we would like to further encourage use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter, where circumstances would otherwise disenfranchise a citizen. Below is suggested language allowing for electronic transmission to be used in these three steps of the absentee voting process.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **South Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that South Dakota **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim legal residence of a parent. **We recommend these citizens be**

allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend South Dakota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **eleven** states that have expanded the use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that South Dakota **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a [uniformed service] [or] [overseas voter] in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

South Carolina 2008 Legislative Initiatives and Sample Language

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Twelve** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Sixteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Elimination of Witness/Notary Requirement

We recommend that **South Carolina eliminate the requirement for the absentee ballot return envelope to be [witnessed] for uniformed service members and overseas citizens.** While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and/or overseas voters in order to return a voted ballot.

South Dakota 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that South Dakota now allows the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request, but we would like to further encourage use of this alternative to include electronically sending the ballot to the voter and accepting the voted ballot from the voter, where circumstances would otherwise disenfranchise a citizen. Below is suggested language allowing for electronic transmission to be used in these three steps of the absentee voting process.

Sample Language

An applicant who is a member of the United States Uniformed Services, merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **South Dakota's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that South Dakota **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim legal residence of a parent. **We recommend these citizens be**

allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We also recommend South Dakota provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **eleven** states that have expanded the use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices,** citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in Federal elections only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that South Dakota **accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a [uniformed service] [or] [overseas voter] in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Tennessee 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Tennessee enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronic transmission of the FPCA for registration, electronically sending the blank ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample language allowing for these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Tennessee's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

Section 2-6-112 of the Tennessee Election Law refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Late Registration Procedures

We recommend that Tennessee **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Use of FWAB as state special write-in by all UOCAVA citizens:

A citizen voting under the UOCAVA who, due to military or other contingencies that preclude normal mail delivery who will be unable to vote by regular absentee ballot, may use a Federal Write-In Absentee Ballot to vote in Federal elections for Federal office for the candidate of his or her choice.

Texas 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Thus, we request your support **to develop acceptance in Texas for the electronic transmission of the blank and voted ballots to all UOCAVA voters**. With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of this modern technology in the absentee voting process. We realize that Texas provides for the electronic transmission of the FPCA for registration and early voting ballots. Additionally, in 1997, Texas enacted legislation to allow the electronic transmission of the voted ballot by members of the U.S. Armed Forces on active duty overseas, or their family members, if the Armed Forces members are casting the ballot from an area where the members are eligible to receive hostile fire pay or imminent danger pay, or that has been designated by the President of the United States as a combat zone. However, we continue to encourage expanded use of this alternative to include electronically sending the blank ballot to all Texas UOCAVA voters who request it and accepting the voted ballot where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that instead of the Texas Governor, Texas' **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Federal Voting Assistance Program is in closer contact with the Chief Election Official and could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Even though Texas has enacted a 30-day registration deadline as a safeguard to prevent fraud, we still encourage Texas to **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late, e.g., up to the day of the election, or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election (within 30 days of the election). This time frame does not meet your state's current registration requirements. Further, the date of discharge or termination of overseas employment and the Texas registration requirement may combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-seven** states currently have such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We realize that Texas provides a state special write-in absentee ballot to Uniformed Services members if they are unable to cast a ballot on election day or during the early voting period because of a military contingency. We recommend expansion of this state write-in absentee ballot to **provide a method for voting by other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in

advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently thirteen states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

We recognize that Texas recently passed a law that expanded the use of the Federal Write-In Absentee Ballot (FWAB) to any special, primary or runoff election for Federal offices. In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve ballot transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote.

Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

The Honorable Riley C. Damell
Secretary of State
State Capitol
Nashville, TN 37243

Dear Secretary Damell,

I would like to thank you for the work you and the state of Tennessee have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Tennessee's existing election code and procedures, I have identified five initiatives that the Tennessee legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Tennessee's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 43,108 Uniformed Services members, an estimated 32,000 family members and approximately 76,000 overseas citizens that claim Tennessee as their voting residence.

As you review the enclosed initiatives for possible inclusion in Tennessee's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*--let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann", is written over a horizontal line.

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Tennessee 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Tennessee enacted legislation to provide for electronic transmission of the FPCA for ballot request. We encourage expanded use of this alternative to include electronic transmission of the FPCA for registration, electronically sending the blank ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is sample language allowing for these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Tennessee's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Thirteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

Section 2-6-112 of the Tennessee Election Law refers to the Federal Voting Assistance Act of 1955. In 1986, Congress updated and consolidated the provisions of the 1955 Act and the Overseas Citizens Voting Rights Act of 1975 into the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Late Registration Procedures

We recommend that Tennessee **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-six states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as a **request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Use of FWAB as state special write-in by all UOCAVA citizens:

A citizen voting under the UOCAVA who, due to military or other contingencies that preclude normal mail delivery who will be unable to vote by regular absentee ballot, may use a Federal Write-In Absentee Ballot to vote in Federal elections for Federal office for the candidate of his or her choice.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

The Honorable Phil Wilson
Secretary of State
P. O. Box 12887
Austin, TX 78711-2887

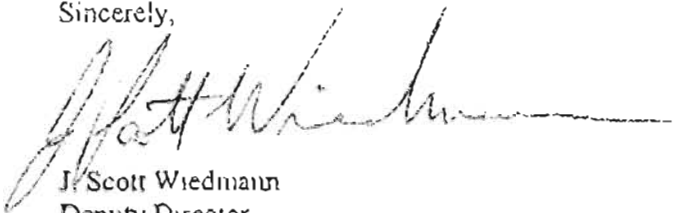
Dear Secretary Wilson,

I would like to thank you for the work you and the state of Texas have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots, and, authorization for the state chief election official to implement emergency measures States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Texas's existing election code and procedures, I have identified six initiatives that the Texas legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Texas's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 228,163 Uniformed Services members, an estimated 171,000 family members and approximately 272,000 overseas citizens that claim Texas as their voting residence.

As you review the enclosed initiatives for possible inclusion in Texas's legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Texas 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Thus, we request your support **to develop acceptance in Texas for the electronic transmission of the blank and voted ballots to all UOCAVA voters**. With proper controls, this would cut the ballot transit time at least in half, reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility regarding election materials.

Please consider expanding the use of this modern technology in the absentee voting process. We realize that Texas provides for the electronic transmission of the FPCA for registration and early voting ballots. Additionally, in 1997, Texas enacted legislation to allow the electronic transmission of the voted ballot by members of the U.S. Armed Forces on active duty overseas, or their family members, if the Armed Forces members are casting the ballot from an area where the members are eligible to receive hostile fire pay or imminent danger pay, or that has been designated by the President of the United States as a combat zone. However, we continue to encourage expanded use of this alternative to include electronically sending the blank ballot to all Texas UOCAVA voters who request it and accepting the voted ballot where circumstances would otherwise disenfranchise a citizen.

Sample Language

An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where there is a short time frame for ballot transmission, we recommend that instead of the Texas Governor, Texas' **Chief Election Official have the authority in law to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Federal Voting Assistance Program is in closer contact with the Chief Election Official and could mutually establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

Even though Texas has enacted a 30-day registration deadline as a safeguard to prevent fraud, we still encourage Texas to **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late, e.g., up to the day of the election, or be exempt from registration.** Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election (within 30 days of the election). This time frame does not meet your state's current registration requirements. Further, the date of discharge or termination of overseas employment and the Texas registration requirement may combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-seven** states currently have such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We realize that Texas provides a state special write-in absentee ballot to Uniformed Services members if they are unable to cast a ballot on election day or during the early voting period because of a military contingency. We recommend expansion of this state write-in absentee ballot to **provide a method for voting by other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in

advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently thirteen states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.

Expand Use of Federal Write-In Absentee Ballot

We recognize that Texas recently passed a law that expanded the use of the Federal Write-In Absentee Ballot (FWAB) to any special, primary or runoff election for Federal offices. In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve ballot transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot by the state for general elections and Federal offices if:

- (1) the information submitted complies with the state’s registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

The Honorable Gary R. Herbert
Lieutenant Governor
State Capitol Complex
Suite E-325
Salt Lake City, UT 84114-0607

Dear Lieutenant Governor Herbert,

I would like to thank you for the work you and the state of Utah have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Utah's existing election code and procedures, I have identified six initiatives that the Utah legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Utah's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 6,045 Uniformed Services members, an estimated 4,000 family members and approximately 25,000 overseas citizens that claim Utah as their voting residence.

As you review the enclosed initiatives for possible inclusion in Utah's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann".

J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

Utah 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Currently, acceptance of electronic transmission of election materials varies from county to county in Utah. Consideration should be given to more uniform use of modern technology in the absentee voting process. We encourage statewide adoption of procedures to allow for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot request, electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Utah's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We realize Utah provides a Special Military Write-In Absentee Ballot if the citizen will be unable to vote by regular ballot. We recommend expanding use of this ballot to **provide a method for voting to other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame.** A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. **Twenty-seven** states have implemented state write-in absentee ballots for this purpose.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have

already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FQAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in the general election. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner.

Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. On an *ad hoc* basis, during past primaries, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve transit

time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.*

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Utah accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that

date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the day before election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Utah 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Currently, acceptance of electronic transmission of election materials varies from county to county in Utah. Consideration should be given to more uniform use of modern technology in the absentee voting process. We encourage statewide adoption of procedures to allow for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot request, electronically sending the ballot to the voter, and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services, a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Utah's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Write-In Absentee Ballot

We realize Utah provides a Special Military Write-In Absentee Ballot if the citizen will be unable to vote by regular ballot. We recommend expanding use of this ballot to **provide a method for voting to other persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame.** A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. **Twenty-seven** states have implemented state write-in absentee ballots for this purpose.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have

already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FQAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services or family member of a Uniformed Service member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in the general election. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner.

Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. On an ad hoc basis, during past primaries, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** other states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve transit

time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and is a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Utah accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that

date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the day before election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Vermont 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Vermont military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact remains that insufficient ballot transit time through the mail continues to be the primary obstacle to ensuring timely delivery of absentee ballots for those who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. Forty-two states have provisions for the 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Vermont currently allows for electronic transmission of the FPCA for registration and ballot request and electronically sending the blank ballot to the voter. We encourage enacting legislation for acceptance of the voted ballot electronically from the voter

where circumstances would otherwise disenfranchise a citizen. Below is sample legislation that will provide for this alternative.

Sample Language

An applicant who is a member of the United States Uniformed Services or merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Vermont's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have granted emergency authority to the Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Removal of Notary Requirement

Current Vermont election law requires that the FPCA used to register must be notarized. The notary requirement creates problems for individuals living overseas where such services are difficult and expensive, if not impossible, to obtain. Some voters have paid \$90 to obtain notarial services. In many countries, there are no notaries in their system of jurisprudence. Also, many small military installations may have no commissioned officer assigned.

We recommend unregistered applicants be instructed to read the Oath prior to signing the FPCA and subscribe to a self-administered "Voter's Oath". For the reasons stated above, we

recommend **removal of the notary requirement for the FPCA**. Forty-nine states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Late Registration Procedures

We recommend that Vermont **allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration**. Many members of the Uniformed Services and overseas citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. Twenty-seven states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in Federal elections. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. **By expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the local election official.

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

State Write-In Absentee Ballot

We also recommend Vermont provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from the State in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now have state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member of the United States Uniformed Services, merchant marine, or family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

In 1986, Congress updated and consolidated the provisions of the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. Thirty-seven states have modified state election code to reference UOCAVA.

Sample Language

This language is usually found under the chapter in the State Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Mr. John Abramson Jr.
Supervisor of Elections
P.O. Box 6038
Emancipation Garden Station, Charlotte Amalie
St. Thomas, Virgin Islands 00801-6038

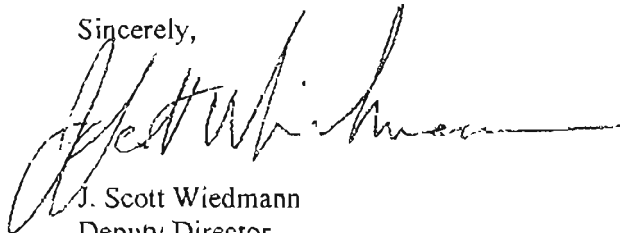
Dear Mr. Abramson Jr.,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Virgin Islands's existing election code and procedures, I have identified five initiatives that the Virgin Islands legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Virgin Islands's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. There are many uniformed Services members, their family members and overseas citizens that claim Virgin Islands as their voting residence.

As you review the enclosed initiatives for possible inclusion in Virgin Islands's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Virgin Islands 2008 Legislative Initiatives and Sample Language

Expansion of Late Registration Procedures

The Virgin Islands currently allows members of the Armed Forces and merchant marine, discharged within 60 days of an election and who return to the Virgin Islands too late to register, to vote in the upcoming election. We recommend that the Virgin Islands expand the scope of this procedure and **allow Uniformed Services personnel (Coast Guard, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration), civilians recently separated from overseas employment, and the spouses and dependents of all these groups to be eligible for the same procedure.** These citizens also go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all *UOCAVA* citizens.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Special Write-in Absentee Ballot

We also recommend the Virgin Islands provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet

the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Virgin Islands money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) *the information submitted complies with Virgin Islands registration requirements;*
- (2) *the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) *the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.*

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal

residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Virgin Islands accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Virgin Islands 2008 Legislative Initiatives and Sample Language

Expansion of Late Registration Procedures

The Virgin Islands currently allows members of the Armed Forces and merchant marine, discharged within 60 days of an election and who return to the Virgin Islands too late to register, to vote in the upcoming election. We recommend that the Virgin Islands expand the scope of this procedure and **allow Uniformed Services personnel (Coast Guard, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration), civilians recently separated from overseas employment, and the spouses and dependents of all these groups to be eligible for the same procedure.** These citizens also go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all UOCAVA citizens.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Special Write-in Absentee Ballot

We also recommend the Virgin Islands provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet

the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the registration requirements;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Virgin Islands money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with Virgin Islands registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state or territory, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal

residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Virgin Islands accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Virginia 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We realize Virginia allows electronic transmission of the FPCA for absentee ballot request and receipt of the blank ballot. We continue to support your innovative electronic voting projects; however, we also continue to encourage expanded use of electronic transmission to include accepting the voted ballot from the voter electronically where circumstances would otherwise disenfranchise a citizen. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An election official may send blank ballots and accept voted ballots from eligible electors via electronic transmission.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have already passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under UOCAVA.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.

State Special Write-In Absentee Ballot

We recommend Virginia expand use of the special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular absentee ballot sent in the normal time frame.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-six** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB.

However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently, Virginia law allows the Federal Write-In Absentee Ballot (FWAB) to be used in all elections and from inside or outside the United States. However, we continue to recommend that the FWAB voter declaration be accepted as **a request for registration simultaneously with the submission of the completed FWAB**. We realize that legislation has been passed providing that the FWAB can be used to serve as **an application** for an absentee ballot and the absentee ballot itself for Federal offices provided the Registrar received it not less than five days prior to the election. Consideration should be given to simplify the registration and request for absentee ballot request process and improve ballot transit time through the combined use of the FWAB for registration and absentee ballot simultaneously. It should be noted that the information requested on the FWAB Affirmation/Declaration, is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). This does not change the data required from your state for these citizens. The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is outside the U.S. or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state .

Elimination of Witness/Notary Requirement

We recommend that Virginia **eliminate the requirement for voting materials to be witnessed for uniformed service members and overseas citizens**. While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and/or overseas voters in order to request an absentee ballot and/or to return a voted ballot. Additionally, many overseas citizens who are not able to visit a U.S. embassy or consular office are forced to pay high fees for notarization or witnessing services in order to participate in the balloting process.

Washington 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would otherwise not have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Washington enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests and allows electronic transmission of the blank ballot. However, we recommend expanded use of this alternative to include accepting the electronic transmission of the voted ballot without the requirement to return the original document prior to election certification.

Sample Language

An applicant who is a member of the United States Armed Forces or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Washington's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. As an example, in light of the surge of Guard and Reserve forces being deployed, the Chief Election Official can temporarily allow electronics transmission of voting materials for Active Duty Military. **Seventeen** states have

passed legislation giving the Chief Election Official authority to designate alternate methods of handling absentee ballots in emergency situation.

Sample Language

The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedure

We recommend that **Washington allow persons recently separated from the Uniformed Services, the merchant marine or overseas employment, and their family members, to be able to register after the standard registration deadline or be exempt from registration.** Many members of the Uniformed Services, merchant marine and overseas citizens go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting Washington's 15-day late registration deadline. We recommend that UOCAVA citizens be permitted to register up to the day of the next ensuing election when these circumstances arise.

Sample Language

An individual, or accompanying family member, who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Reference to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in the State Election Code

In 1986, Congress updated and consolidated the provisions of Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975 into the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). **Reference to UOCAVA in the state election code** will help election officials and interested citizens find guidance to applicable Federal law and increase their familiarity with the statute and its application. We recommend

that UOCAVA be referenced in appropriate sections of the state election code. **Thirty-seven** states now reference the UOCAVA in their election code.

Sample Language

This language is usually found under the chapter in the state Election Code that makes reference to Federal elections:

It is the intent and purpose of this Legislature that the provisions set forth in this chapter are designed to facilitate the Federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973 ff et. seq.).

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Washington money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. **Fifteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.

West Virginia 2008 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **West Virginia's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **West Virginia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend West Virginia provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to Uniformed Services voters and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are currently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

For those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure

enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information that is requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the chief election officer.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 14, 2007

Mr. Kevin J. Kennedy
Executive Director
P.O. Box 2973
17 West Main Street, Suite 310
Madison, WI 53701-2973

Dear Mr. Kennedy,

I would like to thank you for the work you and the state of Wisconsin have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Wisconsin's existing election code and procedures, I have identified six initiatives that the Wisconsin legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Wisconsin's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 14,740 Uniformed Services members, an estimated 11,000 family members and approximately 68,000 overseas citizens that claim Wisconsin as their voting residence.

As you review the enclosed initiatives for possible inclusion in Wisconsin's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Wiedmann". The signature is fluid and cursive, with a long horizontal stroke at the end.

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Wisconsin 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Wisconsin military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Although Wisconsin local election officials mail absentee ballots 30 days before the Fall partisan and 21 days before the Spring nonpartisan elections, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Wisconsin enacted legislation to provide for the electronic

transmission of the FPCA for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Wisconsin permits the transmission of an absentee ballot electronically. The voted ballot must be returned by mail or in person.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wisconsin's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Sixteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Wisconsin election law requires that, for military and overseas voters, the certificate-affidavit on the ballot return envelope must be witnessed by one adult U.S. citizen. We recommend **removal of the notary and witness requirements for all absentee balloting materials**. Fifty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.*

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Wisconsin accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.

Wisconsin 2008 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Wisconsin military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Although Wisconsin local election officials mail absentee ballots 30 days before the Fall partisan and 21 days before the Spring nonpartisan elections, our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize that Wisconsin enacted legislation to provide for the electronic

transmission of the FPCA for ballot request and the electronic receipt of the blank ballot by the voter. We encourage expanded use of this alternative to include electronically accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen. Wisconsin permits the transmission of an absentee ballot electronically. The voted ballot must be returned by mail or in person.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wisconsin's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Sixteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Notary Requirement

Current Wisconsin election law requires that, for military and overseas voters, the certificate-affidavit on the ballot return envelope must be witnessed by one adult U.S. citizen. We recommend **removal of the notary and witness requirements for all absentee balloting materials**. Fifty-eight states have eliminated the notary requirement on all election materials to date.

Sample Language

If a voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, and he or she is a qualified elector and is required to execute an affidavit or form for voter registration or an absentee ballot, he or she may subscribe to a self-administered oath, under penalty of perjury.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the local election official.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or a member of the United States Uniformed Services, merchant marine, or a family member and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or the state deadline, whichever is later.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Wisconsin accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark.** Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

September 17, 2007

Honorable Betty Ireland
Secretary of State
1900 Kanawha Blvd, E
Building 1-Suite 157K
Charleston, West Virginia 25305

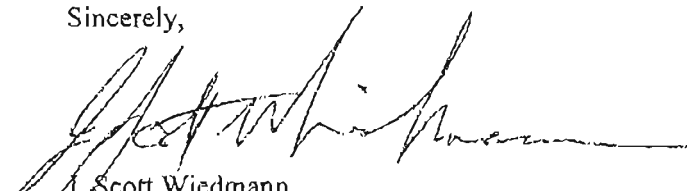
Dear Secretary Ireland,

I would like to thank you for the work you and the state of West Virginia have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing West Virginia's existing election code and procedures, I have identified four initiatives that the West Virginia legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for West Virginia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 10,272 Uniformed Services members, an estimated 7,700 family members and approximately 25,500 overseas citizens that claim West Virginia as their voting residence.

As you review the enclosed initiatives for possible inclusion in West Virginia's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,



J. Scott Wiedmann
Deputy Director

Enclosure:

2008 Legislative Initiatives and Suggested Wording

West Virginia 2008 Legislative Initiatives and Sample Language

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **West Virginia's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We recommend that **West Virginia allow persons recently separated from the Uniformed Services or overseas employment, and their family members, to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in your state just prior to an election and this time frame does not meet your state's normal residency requirements. Often, the date of discharge or termination of overseas employment and a state's registration requirement combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-nine** states currently allow such procedures.

Sample Language

An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend West Virginia provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. **Twenty-seven** states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to Uniformed Services voters and overseas citizens who have already applied for a regular ballot from the State. They do not know in advance that they need the FWAB. However, if the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are currently **thirteen** states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

For those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure

enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information that is requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complied with the territory's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save the state money and alleviate administrative responsibilities on the part of the chief election officer.

September 17, 2007

The Honorable Max Maxfield
Secretary of State
Office of the Secretary of State
State Capitol Building
Cheyenne, WY 82002-0020

Dear Secretary Maxfield,

I would like to thank you and the state of Wyoming for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Wyoming's existing election code and procedures, I have identified five initiatives that the Wyoming legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Wyoming's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 5,943 Uniformed Services members, 4,000 family members and approximately 8,000 overseas citizens that claim Wyoming as their voting residence.

As you review the enclosed initiatives for possible inclusion in Wyoming's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

September 17, 2007

The Honorable Max Maxfield
Secretary of State
Office of the Secretary of State
State Capitol Building
Cheyenne, WY 82002-0020

Dear Secretary Maxfield,

I would like to thank you and the state of Wyoming for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as email, and utilizing digital signatures with electronically transmitted materials.

After reviewing Wyoming's existing election code and procedures, I have identified five initiatives that the Wyoming legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Wyoming's citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Information available to FVAP indicates that there are 5,943 Uniformed Services members, 4,000 family members and approximately 8,000 overseas citizens that claim Wyoming as their voting residence.

As you review the enclosed initiatives for possible inclusion in Wyoming's 2008 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the UOCAVA—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2008 Legislative Initiatives and Suggested Wording

Wyoming 2008 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure near real-time delivery of election materials between the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time substantially.

We note that Wyoming permits absentee ballot requests to be made by telephone and email. We encourage the further use of electronic transmission to include electronically sending the Federal Post Card Application (FPCA) for registration and absentee ballot request, sending the blank ballot to the voter and accepting the voted ballot from the voter where circumstances would otherwise disenfranchise a citizen.

Sample Language

An applicant who is a member of the United States Uniformed Services or the merchant marine, or their family members, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Wyoming's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Fifteen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe,

by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state.

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

State Write-In Absentee Ballot

We recommend that Wyoming provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame.** A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the state in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

This state write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. The FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot from the state. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a state write-in absentee ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently 11 states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States or a member or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies

and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an ad hoc basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. Thirteen states have legislatively expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

- (1) the information submitted complies with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

- (1) the information submitted complies with the registration requirements of the state;

- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and
- (3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Seventeen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices where either parent is eligible to vote under UOCAVA.**

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that citizen is eligible to register and vote where his or her parent is a qualified elector.